THE NOÉ EDITION

תלמוד בבלי

KOREN TALMUD BAVLI

KOREN TALMUD BAVLI

ḤULLIN
PART TWO

COMMENTARY BY
RABBI ADIN
EVEN-ISRAEL
STEINSALTZ

THE NOÉ EDITION



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Koren Talmud Bavli

THE NOÉ EDITION

ḤULLIN · PART TWO



Steinsaltz Center



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תלמוד בבלי

KOREN TALMUD BAVLI

THE NOÉ EDITION

חולין ב

ḤULLIN · PART TWO

COMMENTARY BY

Rabbi Adin Even-Israel Steinsaltz

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Once upon a time, under pressure of censorship,
printers would inscribe in the flyleaves
of volumes of the Talmud:

Whatever may be written herein about gentiles
does not refer to the gentiles of today,
but to gentiles of times past.

Today, the flyleaves of our books bear a similar inscription,
albeit an invisible one:

Whatever may be written herein about Jews
does not refer to the Jews of today,
but to Jews who lived in other times.

So we are able to sit down and study Torah, Talmud,
books of ethics, or books of faith
without considering their relevance to our lives.

Whatever is written there
does not apply to us or to our generation,
but only to other people, other times.

We must expunge from those invisible prologues
the notion that the words are written about someone else,
about others, about anyone but us.

Whether the book is a volume of Torah,
a tractate of the Talmud, or a tract of faith,
the opposite must be inscribed:

Whatever is written herein refers only to me;
is written for me and obligates me.

First and foremost, the content is addressed to me.

— From a public address by Rabbi Adin Even-Israel Steinsaltz
as quoted in חיי עולם (*Talks on Parashat HaShavua*)
Maggid Books, 2011

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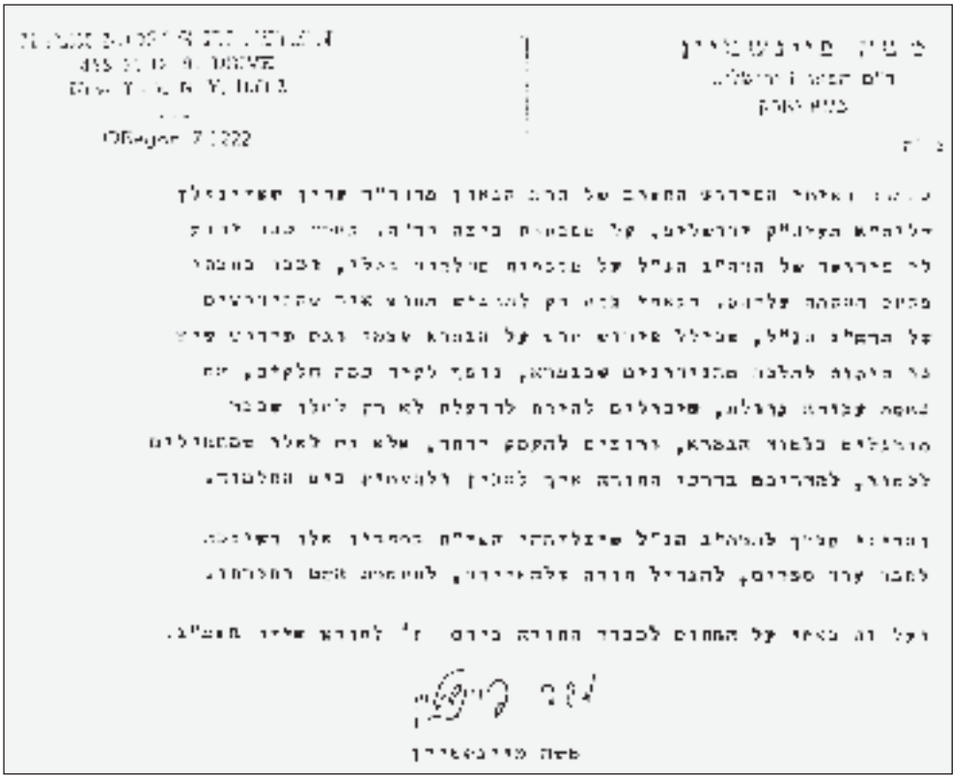
Contents

Haskamot	**viii**
Message from Rabbi Adin Even-Israel Steinsaltz	**xiii**
Acknowledgments	**xiv**
Introduction by the Editor-in-Chief	**xv**
Preface by the Executive Editor	**xvii**
Introduction by the Publisher	**xix**
Introduction to Ḥullin	**1**
Ḥullin, Part II	**5**
Common Acronyms	**421**
Index of Background	**425**
Index of Language	**428**
Index of Personalities	**429**
Image Credits	**429**

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Haskama

Rabbi Moshe Feinstein



...These new commentaries – which include a new interpretation of the Talmud, a halakhic summary of the debated issues, and various other sections – are a truly outstanding work; they can be of great benefit not only to those familiar with talmudic study who seek to deepen their understanding, but also to those who are just beginning to learn, guiding them through the pathways of the Torah and teaching them how to delve into the sea of the Talmud.

I would like to offer my blessing to this learned scholar. May the Holy One grant him success with these volumes and may he merit to write many more, to enhance the greatness of Torah, and bring glory to God and His word...

Rabbi Moshe Feinstein
New York, 7 Adar 5743



I have seen one tractate from the Talmud to which the great scholar Rabbi Adin Steinsaltz שליט"א has added *nikkud* (vowels) and illustrations to explain that which is unknown to many people; he has also added interpretations and innovations, and is evidently a *talmid ḥakham*. *Talmidei ḥakhamim* and yeshiva students ought to study these volumes, and synagogues and *batei midrash* would do well to purchase them, as they may find them useful.

Rabbi Moshe Feinstein
New York, Adar 5730

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…I have just had the pleasant surprise of receiving tractate *Shabbat* (part one), which has been published by [Rabbi Steinsaltz] along with his explanations, etc. Happy is the man who sees good fruits from his labors. May he continue in this path and increase light, for in the matters of holiness there is always room to add – and we have been commanded to add – for they are linked to the Holy One, Blessed be He, Who is infinite. And may the Holy One grant him success to improve and enhance this work, since the greater good strengthens his hand…

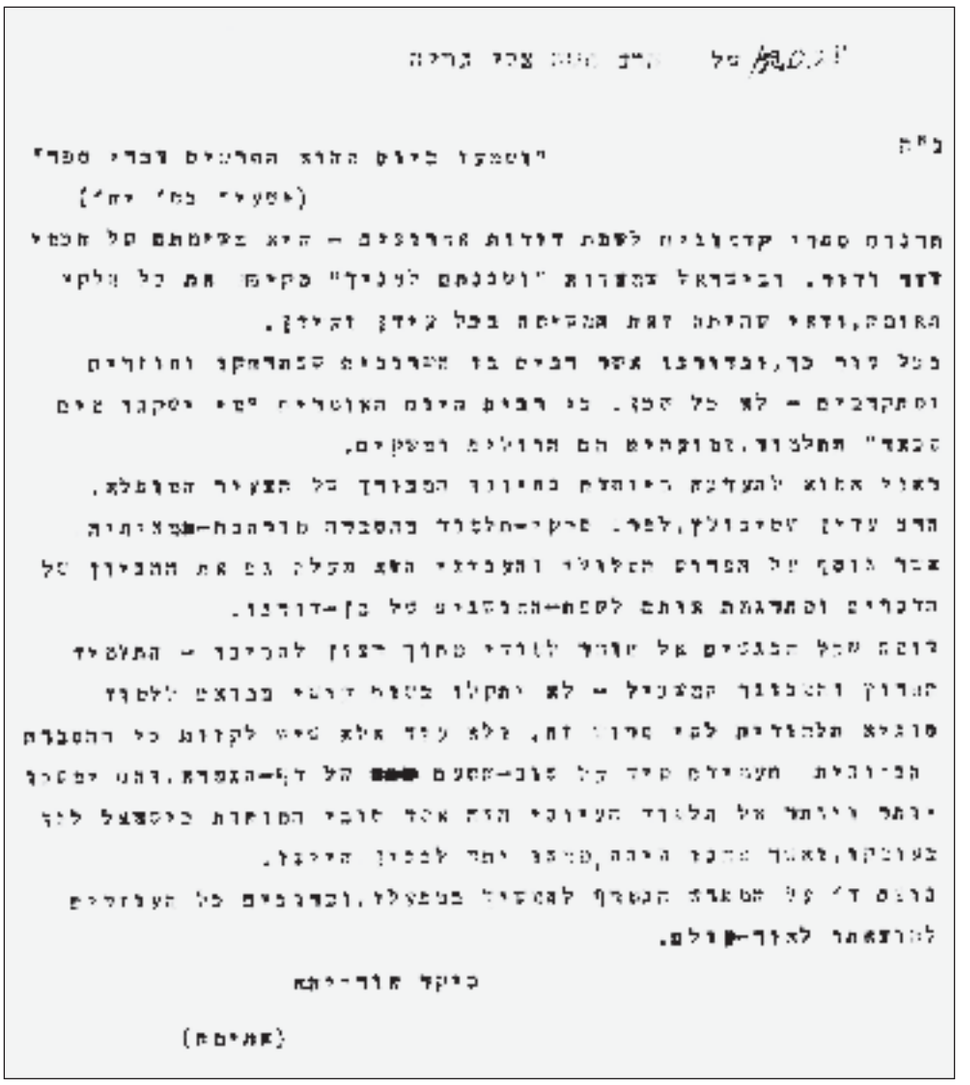
Rabbi Menachem Mendel Schneerson
The Lubavitcher Rebbe
Brooklyn, 5 Marḥeshvan 5729

Haskama
Rabbi Menachem Mendel Schneerson

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Haskama

Rabbi Moshe Zvi Neria



The translation of the books of our past into the language of the present – this was the task of the sages of every generation. And in Israel, where the command to "teach them repeatedly to your children" applies to all parts of the nation, it was certainly the task of every era. This is true for every generation, and in our time – when many of those who have strayed far are once again drawing near – all the more so. For many today say, "Who will let us drink from the well" of Talmud, and few are those who offer up the waters to drink.

We must, therefore, particularly commend the blessed endeavor of Rabbi Adin Steinsaltz to explain the chapters of the Talmud in this extensive yet succinct commentary, which, in addition to its literal interpretation of the text, also explicates the latter's underlying logic and translates it into the language of our generation.

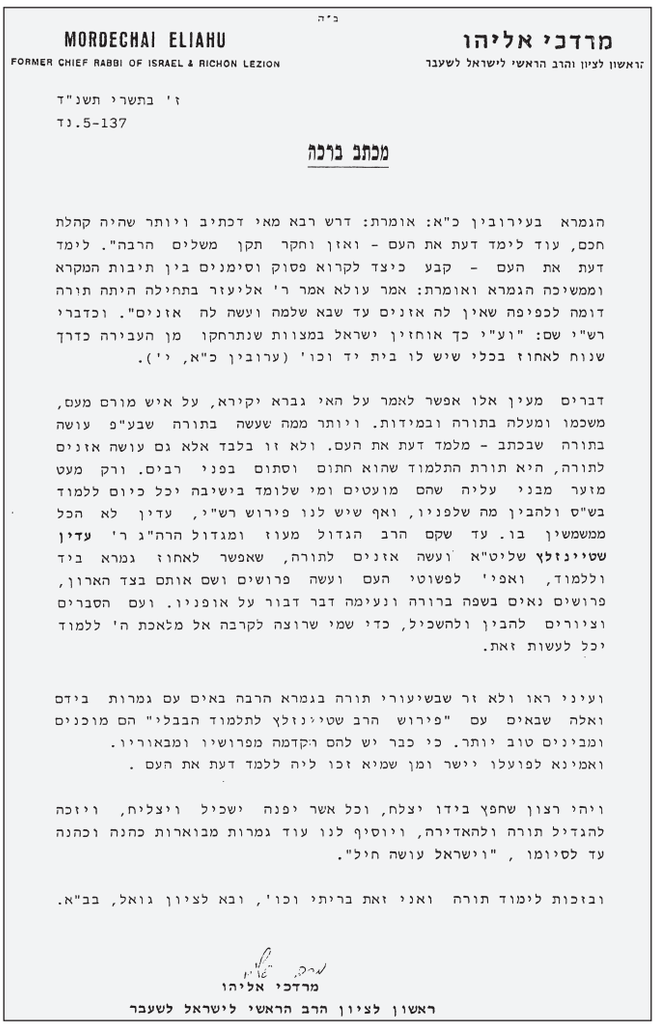
It appears that all those who seek to study Talmud – the diligent student and the learned adult – will have no difficulty understanding when using this commentary. Moreover, we may hope that the logical explanation will reveal to them the beauty of the talmudic page, and they will be drawn deeper and deeper into the intellectual pursuit which has engaged the best Jewish minds, and which serves as the cornerstone of our very lives…

Rabbi Moshe Zvi Neria

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Haskama

Rabbi Mordechai Eliyahu



ב״ה

MORDECHAI ELIAHU
FORMER CHIEF RABBI OF ISRAEL & RICHON LEZION

מרדכי אליהו
הראשון לציון והרב הראשי לישראל לשעבר

ז' בתשרי תשנ"ד
נד.5-137

מכתב ברכה

הגמרא בעירובין כ"א: אומרת: דרש רבא מאי דכתיב ויותר שהיה קהלת חכם, עוד לימד דעת את העם - ואזן וחקר תקן משלים הרבה". לימד דעת את העם - קבע כיצד לקרוא פסוק וסימנים בין תיבות המקרא וממשיכה הגמרא ואומרת: אמר עולא אמר ר' אליעזר בתחילה היתה תורה דומה לכפיפה שאין לה אזנים עד שבא שלמה ועשה לה אזנים". וכדברי רש"י שם: "וע"י כך אוחזין ישראל במצוות שנתרחקו מן העבירה כדרך שנוח לאחוז בכלי שיש לו בית יד וכו' (ערובין כ"א, י').

דברים מעין אלו אפשר לאמר על האי גברא יקירא, על איש מורם מעם, משכמו ומעלה בתורה ובמידות. ויותר ממה שעשה בתורה שבע"פ עושה בתורה שבכתב - מלמד דעת את העם. ולא זו בלבד אלא גם עושה אזנים לתורה, היא תורת התלמוד שהוא חתום וסתום בפני רבים. ורק מעט מזער מבני עליה שהם מועטים ומי שלומד בישיבה יכל כיום ללמוד בש"ס ולהבין מה שלפניו, ואף שיש לנו פירוש רש"י, עדין לא הכל ממשמשין בו. עד שקם הרב הגדול מעוז ומגדול הרה"ג ר' **עדין שטיינזלץ** שליט"א ועשה אזנים לתורה, שאפשר לאחוז גמרא ביד וללמוד, ואפי' לפשוטי העם ועשה פרושים ושם אותם בצד הארון, פרושים נאים בשפה ברורה ונעימה דבר דבור על אופניו. ועם הסברים וציורים להבין ולהשכיל, כדי שמי שרוצה לקרבה אל מלאכת ה' ללמוד יכל לעשות זאת.

ועיני ראו ולא זר שבשיעורי תורה בגמרא הרבה באים עם גמרות בידם ואלה שבאים עם "פירוש הרב שטיינזלץ לתלמוד הבבלי" הם מוכנים ומבינים טוב יותר. כי כבר יש להם הקדמה מפרושיו ומבאוריו. ואמינא לפועלו יישר ומן שמיא זכו ליה ללמד דעת את העם.

ויהי רצון שחפץ בידו יצלח, וכל אשר יפנה ישכיל ויצליח, ויזכה להגדיל תורה ולהאדירה, ויוסיף לנו עוד גמרות מבוארות כהנה וכהנה עד לסיומו, "וישראל עושה חיל".

ובזכות לימוד תורה ואני זאת בריתי וכו', ובא לציון גואל, בב"א.

מרדכי אליהו
ראשון לציון הרב הראשי לישראל לשעבר

The Talmud in *Eruvin* 21b states: Rava continued to interpret verses homiletically. What is the meaning of the verse: "And besides being wise, Kohelet also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs" (Ecclesiastes 12:9)? He explains: He taught the people knowledge; he taught it with the accentuation marks in the Torah, and explained each matter by means of another matter similar to it. And he weighed [*izen*], and sought out, and set in order many proverbs; Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [*oznayim*] until Solomon came and made handles for it. And as Rashi there explains: And thus were Israel able to grasp the mitzvot and distance themselves from transgressions – just as a vessel with handles is easily held, etc.

Such things may be said of this beloved and eminent man, a great sage of Torah and of virtue. And far more than he has done with the Oral Torah, he does with the Written Torah – teaching the people knowledge. And beyond that, he also affixes handles to the Torah, i.e., to the Talmud, which is obscure and difficult for many. Only the intellectual elite, which are a precious few, and those who study in yeshiva, can today learn the Talmud and understand what it says – and even though we have Rashi, still not everyone uses him. But now the great scholar Rabbi Adin Steinsaltz שליט״א has come and affixed handles to the Torah, allowing the Talmud to be held and studied, even by simple men. And he has composed a commentary alongside the text, a fine commentary in clear, comprehensible language, "a word fitly spoken" with explanations and illustrations, so that all those who seek to study the work of God can do so.

Rabbi Mordechai Eliyahu
Former Chief Rabbi of Israel, 7 Tishrei 5754

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Message from Rabbi Adin Even-Israel Steinsaltz

The Talmud is the cornerstone of Jewish culture. True, our culture originated in the Bible and has branched out in directions besides the Talmud, yet the latter's influence on Jewish culture is fundamental. Perhaps because it was composed not by a single individual, but rather by hundreds and thousands of Sages in *batei midrash* in an ongoing, millennium-long process, the Talmud expresses the deepest themes and values not only of the Jewish people, but also of the Jewish spirit. As the basic study text for young and old, laymen and learned, the Talmud may be said to embody the historical trajectory of the Jewish soul. It is, therefore, best studied interactively, its subject matter coming together with the student's questions, perplexities, and innovations to form a single intricate weave. In the entire scope of Jewish culture, there is not one area that does not draw from or converse with the Talmud. The study of Talmud is thus the gate through which a Jew enters his life's path.

The *Koren Talmud Bavli* seeks to render the Talmud accessible to the millions of Jews whose mother tongue is English, allowing them to study it, approach it, and perhaps even become one with it.

This project has been carried out and assisted by several people, all of whom have worked tirelessly to turn this vision into an actual set of books to be studied. It is a joyful duty to thank the many partners in this enterprise for their various contributions. Thanks to Koren Publishers Jerusalem, both for the publication of this set and for the design of its very complex graphic layout. Thanks of a different sort are owed to the Shefa Foundation and its director, Rabbi Menachem Even-Israel, for their determination and persistence in setting this goal and reaching it. Many thanks to the translators, editors, and proofreaders for their hard and meticulous work. Thanks to the individuals and organizations that supported this project, chief among them the Matanel Foundation and the Noé family of London. And thanks in advance to all those who will invest their time, hearts, and minds in studying these volumes – to learn, to teach, and to practice.

Rabbi Adin Even-Israel Steinsaltz
Jerusalem 5773

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Acknowledgments

We are indeed privileged to dedicate this edition of the *Koren Talmud Bavli* in honor of the generous support of Leo and Sue Noé of London.

The name Noé is synonymous with philanthropy. The family's charitable endeavors span a vast range of educational projects, welfare institutions, and outreach organizations across the globe, with a particular emphasis on the "nurturing of each individual." Among so many other charitable activities, the Noés have been deeply involved with Kisharon, which provides the British Jewish community with vital support for hundreds of people with learning difficulties and their families; they provide steadfast support of SEED, which stands at the forefront of adult Jewish education in the UK, and Kemach, an organization in Israel that "helps Haredi students sustain themselves in dignity," providing both professional and vocational training for the Haredi community in Israel.

The Noés are not simply donors to institutions. They are partners. Donors think of a sum. Partners think of a cause, becoming rigorously and keenly involved, and giving of their time and energy. We are honored that they have chosen to partner with our two organizations, the Steinsaltz Center and Koren Publishers Jerusalem, enabling us to further and deepen learning among all Jews.

Leo and Sue are the proud parents and grandparents of five children and their families. The next generation has been taught by example that with life's gifts come the responsibilities to be active within and contribute to society – both Jewish and non-Jewish – as is consistent with the noblest of Jewish values.

Rabbi Adin Even-Israel Steinsaltz
Matthew Miller, Publisher
Jerusalem 5773

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Introduction by the Editor-in-Chief

The publication of tractate *Ḥullin* is another noteworthy achievement for the Koren Talmud Bavli project. With this, the third tractate of *Seder Kodashim*, the Order of Consecrated Items, we take yet another step toward our goal, the completion of a new and unique translation of the Babylonian Talmud.

Presenting the English-speaking world with a translation that possesses all the merits of the original Hebrew work by Rabbi Steinsaltz, the text provides assistance for the beginner of any age who seeks to obtain the necessary skills to become an adept talmudist. Beginning with *Berakhot* and continuing through *Ḥullin*, the team has brought excellence to every aspect of the daunting task of translating Rabbi Adin Even-Israel Steinsaltz's masterful Hebrew translation of the Talmud into English.

Rabbi Steinsaltz's work is much more than a mere translation. It includes a coherent interpretation of the Mishna and the Gemara, and an expansion of the text that provides an array of intriguing marginal notes. Rendering this masterpiece into English called for talents that include biblical and talmudic scholarship, literary skills, linguistic expertise, editorial acumen, graphic and visual creativity, and most of all, teamwork and diligence. Congratulations to every member of the team are in order, and celebration of our achievement is well deserved.

I'd like to take this opportunity to express our gratitude to the Almighty for giving us the strength to persevere at this sacred task for the past several years. These years have been difficult ones for the Jewish people, and especially for those of us who dwell in Eretz Yisrael. But the difficulties have not diminished our ability to succeed in our goals. For that we thank the Master of the Universe.

Students of tractate *Ḥullin* will be both informed and inspired. They will be informed about almost every aspect of the prescribed Jewish diet, ranging from the process of kosher slaughter of animals to the laws regarding the separation of meat from dairy. They will be inspired by the many passages which guide our moral and ethical behavior. As always, we consider our efforts successful if the reader comes away from the text a better person, and not just a better-informed person. For it is our contention that Talmud study fosters lifelong ethical development and a profound sensitivity to the needs and concerns of other human beings.

We have now had the opportunity to survey hundreds of responses submitted by our readers. Naturally, these include constructive criticism and reports of errors that are inevitable in such an undertaking. We have systematically preserved such responses so that we can correct them in future editions. Indeed, we have already begun to do so for the initial tractates in our series.

The most exciting result of our survey has been our discovery that "consumers" of Koren Talmud Bavli are a remarkably diverse group. They range from beginners who have never before been exposed to a *blatt gemara*, to accomplished scholars

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who have completed the study of the entire Talmud more than once. Beginners find our work not only a helpful introduction to Talmud study, but an impetus to the further study of rabbinic texts. Experienced scholars report that our work provides them with unexpected insights and fresh perspectives that enhance their appreciation of texts with which they have long been acquainted.

Tractate *Ḥullin*, part II, is the thirty-eighth volume of the project. Like the preceding volumes, it includes the entire original text, in the traditional configuration and pagination of the famed Vilna edition of the Talmud. This enables the student to follow the core text with the commentaries of Rashi, *Tosafot*, and the customary marginalia. It also provides a clear English translation in contemporary idiom, faithfully based upon the modern Hebrew edition.

At least equal to the linguistic virtues of this edition are the qualities of its graphic design. Rather than intimidate students by confronting them with a page-size block of text, we have divided the page into smaller thematic units. Thus, readers can focus their attention and absorb each discrete discussion before proceeding to the next unit. The design of each page allows for sufficient white space to ease the visual task of reading. The illustrations, one of the most innovative features of the Hebrew edition, have been substantially enhanced and reproduced in color.

The end result is a literary and artistic masterpiece. This has been achieved through the dedicated work of a large team of translators, headed by Rabbi Joshua Schreier; the unparalleled creative efforts of the gifted staff at Koren; and the inspired and impressive administrative skills of Rabbi Jason Rappoport, managing editor of the Koren Talmud Bavli project.

It is an honor for me to acknowledge the role of Matthew Miller of Koren Publishers Jerusalem in this historic achievement. Without him this work would never have begun. Its success is attributable to his vision and supervision. I owe a great personal debt to him for selecting me as editor-in-chief, and I am continually astounded by his commitment to Jewish learning, the Jewish people, and the Jewish homeland.

The group of individuals who surround Rabbi Steinsaltz and support his work deserve our thanks as well. I have come to appreciate their energy, initiative, and persistence. And I thank the indefatigable Rabbi Menachem Even-Israel, whom I cannot praise highly enough. The quality of his guidance and good counsel is surpassed only by his commitment to the dissemination and perpetuation of his father's precious teachings.

Finally, in humility, awe, and great respect, I acknowledge Rabbi Adin Even-Israel Steinsaltz. I thank him for the inspirational opportunity he has granted me to work with one of the outstanding sages of our time.

Rabbi Tzvi Hersh Weinreb
Jerusalem 5778

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Preface by the Executive Editor

The *Koren Talmud Bavli* is in the midst of its treatment of the fifth order of the Talmud, *Seder Kodashim*, the Order of Consecrated Items, an order that deals primarily with the sublime and the spiritual. As the Rambam wrote in his *Guide of the Perplexed*, it is the spiritual that constitutes the ultimate form of worshipping God.

In the previous order, *Seder Nezikin*, the Order of Damages, the primary focus is on actions and the ramifications of those actions, as they are manifest in the laws of damages, labor relations, transactions, and the like. One's intent is less significant, as, for example, with regard to damages, the Sages stated (*Sanhedrin* 72a): One is liable whether the damage was unintentional or intentional, whether by unavoidable accident, or whether willingly.

In *Kodashim*, the primary focus is on intent. Clearly, there are actions that must be performed; however, the effectiveness of those actions is dictated by the accompanying intent. This is exemplified by the laws governing the sacrifice of animal offerings. There are four sacrificial rites, which constitute the essence of the offering. They are: Slaughter, collection of the blood, conveying the blood to the altar, and sprinkling the blood on the altar. If during the performance of these rites one's intent was to consume the offering after its designated time, the offering is disqualified.

My involvement in the production of the *Koren Talmud Bavli* has been both a privilege and a pleasure. The Steinsaltz Center, headed by Rabbi Menachem Even-Israel and devoted to the dissemination of the wide-ranging, monumental works of Rabbi Adin Even-Israel Steinsaltz, constitutes the Steinsaltz side of this partnership; Koren Publishers Jerusalem, headed by Matthew Miller, constitutes the publishing side of this partnership. The combination of the inspiration, which is the hallmark of the Steinsaltz Center, with the creativity and professionalism for which Koren is renowned and which I experience on a daily basis, has lent the *Koren Talmud Bavli* its outstanding quality in terms of both content and form.

I would be remiss if I failed to mention the contribution of Raphaël Freeman, who guided this project from its inception and is largely responsible for transforming the content of the Steinsaltz Talmud into the aesthetic *Koren Talmud Bavli* that is before you. He was succeeded by Dena Landowne Bailey, who facilitated a seamless transition and continued to ensure that the *Koren Talmud Bavli* lives up to the lofty standards that are the hallmark of Koren Publishers. Beginning with tractate *Menaḥot*, Tomi Mager has assumed responsibility for the layout. She has proven herself a worthy successor to her predecessors in that role.

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I would like to express my appreciation for Rabbi Dr. Tzvi Hersh Weinreb, the editor-in-chief, whose insight and guidance have been invaluable. Rabbi Jason Rappoport, the managing editor, has added professionalism to this project, systematizing the work of the large staff, and it is thanks to him that the project is proceeding with efficiency and excellence. Rabbi Dr. Joshua Amaru, the coordinating editor, oversees the work of the translators and editors, and is largely responsible for ensuring the consistently high quality of their work. The contribution of my friend and colleague, Rabbi Dr. Shalom Z. Berger, the senior content editor, cannot be overstated; his title does not begin to convey the excellent direction he has provided in all aspects of this project.

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At the risk of being repetitious, I would like to thank Rabbi Dr. Berger for introducing me to the world of Steinsaltz. Finally, I would like to thank Rabbi Menachem Even-Israel, with whom it continues to be a pleasure to move forward in this great enterprise.

Rabbi Joshua Schreier
Jerusalem 5778

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Introduction by the Publisher

The Talmud has sustained and inspired Jews for thousands of years. Throughout Jewish history, an elite cadre of scholars has absorbed its learning and passed it on to succeeding generations. The Talmud has been the fundamental text of our people.

Beginning in the 1960s, Rabbi Adin Even-Israel Steinsaltz שליט"א created a revolution in the history of Talmud study. His translation of the Talmud, first into modern Hebrew and then into other languages, as well the practical learning aids he added to the text, have enabled millions of people around the world to access and master the complexity and context of the world of Talmud.

It is thus a privilege to present the *Koren Talmud Bavli*, an English translation of the talmudic text with the brilliant elucidation of Rabbi Steinsaltz. The depth and breadth of his knowledge are unique in our time. His rootedness in the tradition and his reach into the world beyond it are inspirational.

Working with Rabbi Steinsaltz on this remarkable project has been not only an honor, but a great pleasure. Never shy to express an opinion, with wisdom and humor, Rabbi Steinsaltz sparkles in conversation, demonstrating his knowledge (both sacred and worldly), sharing his wide-ranging interests, and, above all, radiating his passion. I am grateful for the unique opportunity to work closely with him, and I wish him many more years of writing and teaching.

Our intentions in publishing this new edition of the Talmud are threefold. First, we seek to fully clarify the talmudic page to the reader – textually, intellectually, and graphically. Second, we seek to utilize today's most sophisticated technologies, both in print and electronic formats, to provide the reader with a comprehensive set of study tools. And third, we seek to help readers advance in their process of Talmud study.

To achieve these goals, the *Koren Talmud Bavli* is unique in a number of ways:

- The classic *tzurat hadaf* of Vilna, used by scholars since the 1800s, has been reset for greater clarity, and opens from the Hebrew "front" of the book. Full *nikkud* has been added to both the talmudic text and Rashi's commentary, allowing for a more fluent reading with the correct pronunciation; the commentaries of *Tosafot* have been punctuated. Upon the advice of many English-speaking teachers of Talmud, we have separated these core pages from the translation, thereby enabling the advanced student to approach the text without the distraction of the translation. This also reduces the number of volumes in the set. At the bottom of each *daf,* there is a reference to the corresponding English pages. In addition, the Vilna edition was read against other manuscripts and older print editions, so that texts which had been removed by non-Jewish censors have been restored to their rightful place.

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- The English translation, which starts on the English "front" of the book, reproduces the *menukad* Talmud text alongside the English translation (in bold) and commentary and explanation (in a lighter font). The Hebrew and Aramaic text is presented in logical paragraphs. This allows for a fluent reading of the text for the non-Hebrew or non-Aramaic reader. It also allows for the Hebrew reader to refer easily to the text alongside. Where the original text features dialogue or poetry, the English text is laid out in a manner appropriate to the genre. Each page refers to the relevant *daf*.
- Critical contextual tools surround the text and translation: personality notes, providing short biographies of the Sages; language notes, explaining foreign terms borrowed from Greek, Latin, Persian, or Arabic; and background notes, giving information essential to the understanding of the text, including history, geography, botany, archaeology, zoology, astronomy, and aspects of daily life in the talmudic era.
- Halakhic summaries provide references to the authoritative legal decisions made over the centuries by the rabbis. They explain the reasons behind each halakhic decision as well as the ruling's close connection to the Talmud and its various interpreters.
- Photographs, drawings, and other illustrations have been added throughout the text – in full color in the Standard and Electronic editions, and in black and white in the Daf Yomi edition – to visually elucidate the text.

This is not an exhaustive list of features of this edition; it merely presents an overview for the English-speaking reader who may not be familiar with the "total approach" to Talmud pioneered by Rabbi Steinsaltz.

Several professionals have helped bring this vast collaborative project to fruition. My many colleagues are noted on the Acknowledgments page, and the leadership of this project has been exceptional.

RABBI MENACHEM EVEN-ISRAEL, DIRECTOR OF THE STEINSALTZ CENTER, was the driving force behind this enterprise. With enthusiasm and energy, he formed the happy alliance with Koren and established close relationships among all involved in the work.

RABBI DR. TZVI HERSH WEINREB שליט"א, EDITOR-IN-CHIEF, brought to this project his profound knowledge of Torah, intellectual literacy of Talmud, and erudition of Western literature. It is to him that the text owes its very high standard, both in form and content, and the logical manner in which the beauty of the Talmud is presented.

RABBI JOSHUA SCHREIER, EXECUTIVE EDITOR, assembled an outstanding group of scholars, translators, editors, and copy editors, whose standards and discipline enabled this project to proceed in a timely and highly professional manner.

RABBI MEIR HANEGBI, EDITOR OF THE HEBREW EDITION OF THE STEINSALTZ TALMUD, lent his invaluable assistance throughout the work process, supervising the reproduction of the Vilna pages.

RAPHAËL FREEMAN created this Talmud's unique typographic design which, true to the Koren approach, is both elegant and user-friendly.

It has been an enriching experience for all of us at Koren Publishers Jerusalem to work with the Steinsaltz Center to develop and produce the *Koren Talmud Bavli*. We pray that this publication will be a source of great learning and, ultimately, greater *avodat Hashem* for all Jews.

Matthew Miller, Publisher
Koren Publishers Jerusalem
Jerusalem 5773

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Introduction to Ḥullin

Tractate *Ḥullin* is part of the order of *Kodashim*, which is devoted almost in its entirety to the numerous aspects of the *halakhot* of consecrated items, including the mitzvot relating to the sacrifice of the various offerings, the manner in which offerings and other items designated for the Temple are consecrated, the procedures in the Temple, and the service performed therein. In contrast to the rest of the tractates in the order of *Kodashim*, *Ḥullin* is devoted entirely to *halakhot* that relate to the non-sacred. A significant portion of this tractate is dedicated to discussion of the slaughter of non-sacred animals, rendering their meat fit for consumption, and the distinction between food from living beings that is permitted and food from living beings that is forbidden. In addition, the tractate addresses a series of mitzvot that relate to living beings that lack the sanctity of sacrificial animals.

Although ostensibly the tractate addresses non-sacred matters exclusively, its placement in the order of *Kodashim* is not by happenstance. Not only do all of these issues relating to non-sacred matters have certain aspects that are parallel or similar to the *halakhot* of sacrificial animals, but their details also share characteristics with those of consecrated items. For example, the slaughter of non-sacred animals does not stand alone as a series of technical *halakhot*; rather, implicitly or explicitly, it is influenced by the *halakhot* relating to sacrificial animals. Concerning the slaughter of sacrificial animals, and likewise the slaughter of non-sacred animals, the tractate delineates the people fit to perform slaughter, with special attention given to the intent of the slaughterer. In general, most of the definitions and *halakhot* relate to mundane matters, but they all relate in some manner to sacrificial concepts.

In a more general sense, this is true with regard to all of the *halakhot* in the Torah. Even the most mundane *halakhot*, such as those relating to monetary law, which ostensibly deal with practical ordinances governing commerce, nevertheless contain an element of sanctity.

Furthermore, not only do the mitzvot in the Torah affect every detail of life, they infuse each of those details with a uniqueness that underscores the idea that non-sacred does not mean completely secular but also indicates an element of sanctity. This is true of monetary matters, of marital life, and in particular of matters relating to food. These *halakhot*, as they relate to food that grows from the ground and all parts of the world of flora that mankind utilizes, constitute the topics covered in the order of *Zera'im*; the elements to which these *halakhot* apply are thereby imbued with various forms of sanctity. Tractate *Ḥullin* addresses matters from the world of fauna.

That the concept of non-sacred indicates an element of sanctity is already manifest in the language of the Torah, as in every place in the Torah where the kosher and non-kosher animals are enumerated, their mention is linked to the concept of sanctity: "Sanctify yourselves, and you will be holy" (Leviticus 11:44); "For you are a holy

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people unto the Lord your God" (Deuteronomy 14:21). The lesson is that these *halakhot* are components of the structure of sanctity, meaning that the manifestation of sanctity and sanctification is not limited to the service performed in the Temple. Rather, even in life outside the Temple there is a certain aspect of sanctity, and the status of the entire Jewish people is that of attendants of sanctity. That is the reason the *halakhot* of slaughter and the *halakhot* of animals with a wound that will cause them to die within twelve months [*tereifot*], which constitute a central portion of this tractate, are structurally similar to the sacrificial service performed in the Temple. Obviously, actions performed in the Temple possess a more fixed ceremonial framework. With regard to non-sacred animals, this structure is maintained, although it is less ceremonial and its framework broader. For example, blemished animals may neither be sacrificed nor eaten in the Temple, and *tereifot* are forbidden to all. The conditions that render an animal a *tereifa* parallel the blemishes that disqualify a sacrificial animal; in both cases, the afflicted animal is deemed not fit for the holy people.

In a sense, tractate *Ḥullin*, with the various topics addressed therein, does not deal with true non-sacred matters but with matters of sanctity. The various prohibitions in this tractate have no obvious utility to people; rather, they are in essence arrays of *halakhot* relating to sanctity, which governs the lives of the sacred nation even outside of their most sacred space, the Temple. It is prohibited to consume, and in some cases even to derive benefit from, certain items, but these items are not intrinsically abhorrent. Whether their halakhic status is characterized as not valid, ritually impure, or forbidden in benefit, that is the case only vis-à-vis the conduct and lives of the Jewish people.

All of the prohibitions addressed in tractate *Ḥullin*, which relate primarily to the meat of living beings, are based on another essential concept, which is not explicit in the Torah, although it does inform those prohibitions, and there are biblical allusions to it in the language of the Torah in several places. The idea is that the very permission granted people to kill living beings and utilize them was not part of the original plan in the creation of humans (see Genesis 1:29). Although the Torah permitted slaughter and consumption of living beings, this was a mere allowance, and was not meant to be employed liberally. Therefore, there are numerous restrictions and guidelines governing how living beings are killed and how the meat and the limbs are treated thereafter. All these indicate that although living beings were permitted to people "as the green grass" (Genesis 9:3), there is a special obligation to take into consideration that they are living beings.

Most of the *halakhot* addressed in this tractate are directly or indirectly related to the *halakhot* of slaughter. That is why in early generations the tractate was called *Sheḥitat Ḥullin*, the slaughter of non-sacred animals, in contrast to tractate *Zevaḥim*, which was called *Sheḥitat Kodashim*, the slaughter of sacrificial animals. Nevertheless, in the course of analyzing certain *halakhot* related to slaughter, the tractate provides a broad treatment of topics that go beyond its purview. One topic is the *halakhot* of mixtures; tractate *Ḥullin* is one of the primary sources for numerous fundamental *halakhot* in that area. Similarly, there is a series of discussions primarily devoted to matters related to the order of *Teharot*, which addresses matters of ritual impurity, especially the *halakhot* of the impurity of foods.

Tractate *Ḥullin* contains significant derivations taken from halakhic midrash, with regard to both those *halakhot* that are the primary focus of this tractate and other associated topics. Although *Ḥullin* also contains certain aggadic segments, they do not comprise a significant portion of the tractate.

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In tractate Ḥullin there are twelve chapters, the last eight of which appear in this volume. Most of the chapters are self-contained, with each chapter addressing one or more clearly defined topics.

Chapter Five focuses on the prohibition against slaughtering an animal and its offspring on the same day.

Chapter Six discusses the mitzva by Torah law to cover the blood of undomesticated animals and birds but not the blood of domesticated animals. The details of the mitzva are also established, namely, how, when, and with what material one covers the blood.

Chapter Seven explores the prohibition against eating the sciatic nerve of an animal. A comprehensive discussion develops concerning the halakhot of permitted and forbidden mixtures.

Chapter Eight deals primarily with the prohibition against eating meat and milk together. The analysis expands into a fundamental discussion of the halakhot of mixtures and the cooking of forbidden and permitted food items together, how the mixtures are rendered prohibited, and in which cases a prohibited item is nullified in a mixture with permitted items.

Chapter Nine focuses on the halakhic status of the various components of the animal. When is their status that of meat in terms of both their ritual impurity and the prohibition against consuming them, and when is their status distinct and unlike that of meat?

Chapter Ten discusses the obligation to give the priests a gift of the foreleg, the jaw, and the maw from every non-sacred animal that is slaughtered.

Chapter Eleven deals with a single biblical mitzva: The obligation to give the priests a non-sacred gift of the first fleece shorn from one's sheep.

Chapter Twelve examines the mitzva by Torah law to release the mother bird from the nest when taking her chicks or eggs, which is a mitzva that applies exclusively to non-sacred birds.

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Introduction to **Perek V**

And whether it be a bull or a sheep, you shall not slaughter it and its offspring both in one day.

(Leviticus 22:28)

After addressing the *halakhot* of slaughter and the primary prohibitions relevant to it, beginning with this chapter the mishna and Gemara discuss various *halakhot* that are associated with slaughter but are independent mitzvot.

The topic of this chapter is the prohibition against slaughtering a cow or a sheep together with its offspring on the same day. Although the basics of this mitzva are given in the Torah, several aspects require further elucidation.

One point requiring clarification is the definition of the prohibition of: Itself and its offspring. The phrase used in the verse: "It and its offspring [*oto ve'et beno*]," is written in the masculine form. Does this mean that only the slaughter of a male animal and its son is prohibited, or does the relationship of parent and offspring define the prohibition, in which case it still applies if one or both of the animals are female? Additionally, might there be a distinction between a case where both the parent and the offspring are the same species and a case where the offspring is a different species from the parent due to crossbreeding?

Another question that arises relates to the order of slaughtering: Does the phrase used in the verse, "it and its offspring," mean that the prohibition applies only if the parent is slaughtered first, or does it apply as well when the offspring is slaughtered first?

The meaning of the term "one day" must also be clarified. Does it refer to a twenty-four-hour period, or simply to a calendar day? Additionally, does the day follow the night in this case, or does the night follow the day?

The phrase "you shall not slaughter" also raises questions. Does it mean that specifically slaughtering the two animals on the same day is prohibited, or does any manner of killing them violate this prohibition? Furthermore, does the use of the plural form "You shall not slaughter [*lo tishḥatu*]" indicate that the prohibition applies even where the two animals are slaughtered by two different individuals, or does it apply only when both are slaughtered by the same person? If it applies even when a different person slaughters the second animal, is the one who slaughters the first animal required to inform others who want to slaughter the second animal that day?

In addition to the importance of properly understanding these *halakhot*, the resolution of many of these questions may be of practical importance to those who purchase animals for slaughter. Alternatively, perhaps the seller must warn the buyer in situations where the prohibition could potentially be violated.

These questions, and a few general topics related to them, are the focus of this chapter.

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מתני׳ אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בֵּין בָּאָרֶץ בֵּין בְּחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בְּחוּלִּין וּבִמּוּקְדָּשִׁין.

MISHNA The prohibition against slaughtering an animal **itself and its offspring**[NH] **applies both in Eretz** Yisrael **and outside of Eretz** Yisrael, both **in the presence,** i.e., the time, **of the Temple and not in the presence of the Temple,** and it applies **with regard to non-sacred** animals **and with regard to sacrificial** animals.

כֵּיצַד? הַשּׁוֹחֵט אוֹתוֹ וְאֶת בְּנוֹ, חוּלִּין בַּחוּץ – שְׁנֵיהֶם כְּשֵׁרִים, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים.

How so? In the case of **one who slaughters** an animal **itself and its offspring,** both of which are **non-sacred,** and slaughters them **outside** the Temple courtyard, **both of** the animals **are fit**[N] for consumption, **but** for slaughtering **the second** animal, **one incurs** [***sofeg***][L] **the forty** lashes for violating the prohibition: "You shall not slaughter it and its offspring both in one day" (Leviticus 22:28).

קָדָשִׁים בַּחוּץ – הָרִאשׁוֹן חַיָּיב כָּרֵת, וּשְׁנֵיהֶם פְּסוּלִים, וּשְׁנֵיהֶם סוֹפְגִים אֶת הָאַרְבָּעִים.

If both animals were **sacrificial** animals slaughtered **outside** the Temple courtyard, **then** for slaughtering **the first** animal, **one is liable** to receive **excision from the World-to-Come** [***karet***].[B] For slaughtering the second animal one is not liable to receive *karet*. The second animal was not fit for sacrifice, since one may not slaughter an animal and its offspring on the same day. **And both** animals **are disqualified** for use as offerings, **and** for the slaughter of **both of them, one incurs forty** lashes apiece: The first being a sacrificial animal slaughtered outside the courtyard and the second being the offspring of an animal slaughtered that day.

חוּלִּין בִּפְנִים – שְׁנֵיהֶם פְּסוּלִין, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים. קָדָשִׁים בִּפְנִים – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל.

If both animals were **non-sacred and** slaughtered **inside** the Temple courtyard, **both of them are unfit**[N] to be sacrificed, being non-sacred animals slaughtered in the courtyard. **And** for slaughter of **the second** animal, **one incurs the forty** lashes for slaughtering an animal and its offspring on a single day. If both animals were **sacrificial** animals slaughtered **inside** the Temple courtyard, **the first is fit** for sacrifice, **and** one who slaughters it is **exempt** from any punishment. **But** for slaughter of **the second** animal, **one incurs the forty** lashes for slaughtering an animal and its offspring on a single day, **and** it is **unfit** for sacrifice, because one was not allowed to slaughter it on that day.

HALAKHA

Itself and its offspring – אוֹתוֹ וְאֶת בְּנוֹ: The prohibition against slaughtering an animal and its offspring applies at all times and in all locations, to non-sacred animals as well as to sacrificial animals, and to those sacrificial animals that are eaten and those that are not. Therefore, whether one slaughtered the first animal in the Temple courtyard and the second animal outside of it, or the first animal outside the Temple courtyard and the second in it, and whether both were non-sacred animals or both sacrificial animals, or one was non-sacred and the other sacrificial, for the slaughter of the second animal one incurs the forty lashes for the violation of the prohibition of: Itself and its offspring (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:2).

LANGUAGE

Incurs [*sofeg*] – סוֹפֵג: The source of this word is the Hebrew word for sponge [*sefog*], which is derived from the Greek word σπόγγος, *spongos*, which has the meaning of absorption or drawing out. Consequently, the meaning of the root *samekh*, *peh*, *gimmel* was broadened to include any type of absorption or drawing out, whether relating to money or other matters, e.g., incurring lashes, meaning that the person is absorbing the lashes. In the *Arukh* an opinion appears connecting the usage in relation to lashes to the word clapping [*sofek*], as the letters *kuf* and *gimmel* can occasionally be used interchangeably, since one who receives lashes can be considered as if he were clapped on his body.

BACKGROUND

***Karet* – כָּרֵת:** The word *karet* refers to a divine punishment for serious transgressions. The precise definition of the term is a matter of dispute among the commentaries, with opinions including premature or sudden death, barrenness or the death of the sinner's children, and excision of the soul from the World-to-Come. Tractate *Keritut* lists thirty-six transgressions punishable with *karet*, all of which are violations of prohibitions, with two exceptions: Neglecting to sacrifice the Paschal offering and failure to perform circumcision. *Karet* applies only to one who intentionally commits the transgression. One who inadvertantly commits the transgression is not subject to *karet*, but brings a sin offering as atonement. In addition, even with regard to an intentional transgression, if it was committed in the presence of witnesses, the transgressor is subject to execution by an earthly court or to receive lashes, rather than receiving *karet*.

NOTES

Itself and its offspring – אוֹתוֹ וְאֶת בְּנוֹ: This name for the prohibition derives from the phraseology of the verse: "And whether it be a bull or a sheep, you shall not slaughter it and its offspring both in one day" (Leviticus 22:28. The verse indicates that the prohibition applies only to a kosher domesticated animal, and not to an undomesticated animal or a bird. It is accepted that the prohibition applies regardless of whether the parent or the offspring is slaughtered first, and that the term "its offspring," which could also be translated as: Its son, refers both to male and to female offspring. The *tanna'im* disagree whether the term "it" refers specifically to the mother or also to the father, as is discussed on 78b. It is also explained on 82a that this prohibition applies even if two people each slaughter one of the animals, so that if one slaughters a mother animal, its offspring may not be slaughtered that day by anyone.

Both of them are fit – שְׁנֵיהֶם כְּשֵׁרִים: *Tosafot* (80a) explain that this *halakha* had to be taught explicitly, since one might have thought that it is prohibited to consume the second animal that was slaughtered, as the Gemara (114b) derives from the verse: "You shall not eat anything abominable" (Deuteronomy 14:3), that it is prohibited to consume any item declared abominable (see 115a). Rabbi Akiva Eiger writes that one might have thought that when one performs an action that the Torah prohibits doing, the action is not halakhically effective. Therefore, slaughtering the second animal should not be considered kosher slaughter, but rather ordinary killing. In any event, *Halakhot Gedolot* writes that the second animal, whose slaughter was prohibited, may not be eaten on that very day. The early commentaries write that this is a penalty, similar to the prohibition against deriving benefit from items prepared on Shabbat (Ramban).

If both were non-sacred and slaughtered inside the Temple courtyard both of them are unfit – חוּלִּין בִּפְנִים שְׁנֵיהֶם פְּסוּלִין: This means that they are disqualified from being sacrificed. Moreover, it is also prohibited to derive benefit from them or consume them, due to the prohibition against slaughtering non-sacred animals in the Temple courtyard (*Temura* 33b; see *Kiddushin* 57b). Only the slaughterer of the second animal incurs the forty lashes for the violation of the prohibition of: Itself and its offspring, and no one is flogged for slaughtering non-sacred animals in the Temple courtyard. This is because it is a prohibition that stems from a positive mitzva, as the verse states: "If the place that the Lord…shall choose…be too far from you, then you shall slaughter…" (Deuteronomy 12:21), from which is inferred that one may slaughter non-sacred animals in a place far away from God's Temple, not in a nearby place (*Kiddushin* 57b), and one does not incur lashes for the violation of a positive mitzva.

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חוּלִּין וְקָדָשִׁים בַּחוּץ – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל.

If the first animal was **non-sacred and** the second **a sacrificial** animal, and both were slaughtered **outside** the Temple courtyard, **the first is fit** for consumption **and** one who slaughters it is **exempt** from any punishment. **But** for slaughtering **the second** animal, **one incurs the forty** lashes for slaughtering an animal and its offspring on a single day, **and** the animal is **unfit** for sacrifice.

קָדָשִׁים וְחוּלִּין בַּחוּץ – הָרִאשׁוֹן חַיָּיב כָּרֵת וּפָסוּל, וְהַשֵּׁנִי כָּשֵׁר, וּשְׁנֵיהֶם סוֹפְגִים אֶת הָאַרְבָּעִים.

If the first animal was **a sacrificial** animal **and** the second was **non-sacred** and both were slaughtered **outside** the Temple courtyard, for **the first** animal, **one is liable** to receive ***karet*** for slaughtering a sacrificial animal outside the courtyard, **and** the animal is **unfit** for sacrifice. **And the second is fit** for consumption; **and** for the slaughter of **both of them** one **incurs forty** lashes apiece: The first being a sacrificial animal slaughtered outside the courtyard and the second being the offspring of an animal slaughtered that day.

חוּלִּין וְקָדָשִׁים בִּפְנִים – שְׁנֵיהֶם פְּסוּלִּין, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים. קָדָשִׁים וְחוּלִּין בִּפְנִים – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל.

If the first animal was **non-sacred and** the second was **a sacrificial** animal and both were slaughtered **inside** the Temple courtyard, **both of them are unfit** for sacrifice. **And** for slaughtering **the second** animal, **one incurs the forty** lashes. If the first animal was **a sacrificial** animal **and** the second was **non-sacred** and both were slaughtered **inside** the Temple courtyard, **the first is fit** for sacrifice **and** one who slaughters it is **exempt** from any punishment. **And** for slaughtering **the second** animal, **one incurs the forty** lashes, **and** the animal is **unfit** for sacrifice, as it is non-sacred.

חוּלִּין בַּחוּץ וּבִפְנִים – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל.

If both animals were **non-sacred,** and one slaughters them, the first **outside** the Temple courtyard **and** the second **inside** the Temple courtyard, **the first is fit** for consumption **and** one who slaughters it is **exempt** from any punishment. **And** for slaughtering **the second** animal, **one incurs the forty** lashes for slaughtering an animal and its offspring on a single day, **and** the animal is **unfit** for sacrifice as it is non-sacred.

קָדָשִׁים בַּחוּץ וּבִפְנִים – הָרִאשׁוֹן חַיָּיב כָּרֵת, וּשְׁנֵיהֶם סוֹפְגִים אֶת הָאַרְבָּעִים, וּשְׁנֵיהֶם פְּסוּלִּים.

If both animals were **sacrificial** animals, and one slaughters them, the first **outside** the Temple courtyard **and** the second **inside** the Temple courtyard, for slaughtering **the first** animal **one is liable** to receive ***karet*, and** for slaughtering **both of them one incurs forty** lashes apiece. One set of lashes is given because the first was a sacrificial animal slaughtered outside the courtyard, and the second set of lashes is given because the second animal is the offspring of an animal slaughtered that day. **And both of them are unfit** for sacrifice.

חוּלִּין בִּפְנִים וּבַחוּץ – הָרִאשׁוֹן פָּסוּל וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וְכָשֵׁר. קָדָשִׁים בִּפְנִים וּבַחוּץ – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל.

If both animals were **non-sacred,** and one slaughters them, the first **inside** the Temple courtyard **and** the second **outside** the Temple courtyard, **the first is unfit** for sacrifice, as it is non-sacred, **and** the one who slaughters it is **exempt. And** for **the second, one incurs the forty** lashes **and** the animal is **fit** for consumption. If both animals were **sacrificial** animals, and one slaughters them, the first **inside** the Temple courtyard **and** the second **outside** the Temple courtyard, **the first is fit** for sacrifice **and** one who slaughters it is **exempt. And** for **the second** animal, **one incurs the forty** lashes, **and** the animal is **unfit** for sacrifice because its requisite time has not yet arrived.

גמ׳ תָּנוּ רַבָּנַן: מִנַּיִן לְאוֹתוֹ וְאֶת בְּנוֹ שֶׁנּוֹהֲגִ בְּמוּקְדָּשִׁין? תַּלְמוּד לוֹמַר: ״שׁוֹר אוֹ כֶשֶׂב אוֹ עֵז כִּי יִוָּלֵד״, וּכְתִיב בַּתְרֵיהּ: ״וְשׁוֹר אוֹ שֶׂה אֹתוֹ וְאֶת בְּנוֹ לֹא תִשְׁחֲטוּ בְּיוֹם אֶחָד״ – לִימֵּד עַל אוֹתוֹ וְאֶת בְּנוֹ שֶׁנּוֹהֲגִ בְּמוּקְדָּשִׁין.

GEMARA **The Sages taught** in a *baraita*: **From where** is it derived **that** the prohibition against slaughtering an animal **itself and its offspring** in a single day **applies to sacrificial** animals? It is derived from a verse, **as the verse states: "When a bull, or a sheep, or a goat, is born** … but from the eighth day and forward it may be accepted for an offering … to the Lord" (Leviticus 22:27), **and it is written** in the **following** verse: **"And whether it be a bull or a sheep, you shall not slaughter it and its offspring both in one day."** The juxtaposition of the verses **teaches with regard to** the prohibition against slaughtering an animal **itself and its offspring that it applies to sacrificial** animals as well.

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וְאֵימָא: בְּמוּקְדָּשִׁין אֵין, בְּחוּלִּין לָא! שׁוֹר הִפְסִיק הָעִנְיָן.

The Gemara challenges: **But** since this prohibition is taught in the context of other *halakhot* of consecrated animals, perhaps **I will say: Yes,** it applies **to sacrificial** animals, but it does **not** apply **to non-sacred** animals. The Gemara explains: The repetitive phrase "and whether it be **a bull** or a sheep" in the second verse, when those types of animals, i.e., bulls and sheep, were already mentioned in the first verse, **interrupted the topic,** clarifying that the second verse is not referring to sacrificial animals.

וְאֵימָא: בְּחוּלִּין אֵין, בְּמוּקְדָּשִׁין לָא! כְּתִיב: "וְשׁוֹר" – וָ"ו מוֹסִיף עַל עִנְיָן רִאשׁוֹן.

The Gemara challenges: **But** if so, **I will say: Yes,** the prohibition applies **to non-sacred** animals, but it does **not** apply **to sacrificial** animals. The Gemara explains: Since in that verse **it is written: "And whether it be a bull** . . . you shall not slaughter it and its offspring," the conjunction "**and**" **adds** the prohibition stated in the second verse **to the first matter,** including sacrificial animals as well.

אִי, מַה קָּדָשִׁים – כְּלְאַיִם לָא, אַף אוֹתוֹ וְאֶת בְּנוֹ – כְּלְאַיִם לָא! אַלְמָה תַּנְיָא: אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בְּכִלְאַיִם וּבְכוּי?

The Gemara challenges: **If** this prohibition also applies to sacrificial animals, perhaps **just as** with regard to **sacrificial** animals, the offspring of **diverse kinds** is **not** included, e.g., the offspring of a ewe and a goat is unfit to be an offering, **so too** with regard to the prohibition of: **A mother and its offspring,** the offspring of **diverse kinds** should **not** be included, so that in the case of the offspring of a ewe and a goat, it would be permitted to slaughter the mother and offspring on the same day. **Why,** then, **is** it **taught** in a *baraita* (see *Tosefta* 5:1): The prohibition of: **A mother and its offspring, applies to** the offspring of **diverse kinds and to a *koy*,**[B] a kosher animal with characteristics of both domesticated and undomesticated animals?

וְעוֹד, "שֶׂה" כְּתִיב; וְאָמַר רָבָא:

And additionally, why should the prohibition of: A mother and its offspring, apply to the offspring of diverse kinds? "**A sheep,**" **is written** in the verse with regard to that prohibition, **and Rava said**

BACKGROUND

***Koy* – כּוֹי:** Many problems arise in trying to identify the *koy*. It is mentioned numerous times in the Mishna and the Gemara, not because it is a common animal, but rather because it is useful in discussions that explore the limits of the *halakhot* of domesticated animals versus undomesticated animals. As early as the mishnaic period, the Sages disagreed with regard to the identification of the *koy*. Some maintain that it is a hybrid born to a goat and a deer or another kosher wild animal.

According to many researchers, the *koy* is identified as the water buffalo. There are allusions to this identification in some medieval rabbinic sources. Others reject this idea and claim that water buffalo did not live in Eretz Yisrael during the time of the Mishna, when the *koy* was first mentioned. Others maintain that the *koy* is the mouflon, a subspecies of wild sheep, though there are a number of opinions as to the specific subspecies of mouflon it may be. There is also uncertainty with regard to both the origin of the term *koy* and its proper vocalization.



Water buffalo



Mouflon

Perek **V**
Daf **78** Amud **b**

זֶה בָּנָה אָב: כָּל מָקוֹם שֶׁנֶּאֱמַר "שֶׂה" – אֵינוֹ אֶלָּא לְהוֹצִיא אֶת הַכִּלְאַיִם! אָמַר קְרָא: "אוֹ" – לְרַבּוֹת אֶת הַכִּלְאַיִם.

concerning the verse: "These are the animals that you may eat: An ox, a *seh* of sheep, and a *seh* of goats" (Deuteronomy 14:4), that **this** verse **establishes a paradigm**[N] for other cases: **Wherever** the word ***seh* is stated** in the Torah, **it** serves **only to exclude** an animal of **diverse kinds.** The Hebrew word *seh* denotes either a sheep or a goat. The offspring of diverse kinds, which is neither a sheep nor a goat, does not qualify as a *seh*. The Gemara answers that with regard to a mother and its offspring, **the verse states:** "Whether it be a bull **or** a sheep" (Leviticus 22:28), and the "or" is superfluous there and serves **to include the** offspring of **diverse kinds.**

הַאי "אוֹ" מִיבָּעֵי לֵיהּ לְחַלֵּק; דְּסָלְקָא דַּעְתָּךְ אָמִינָא: עַד דְּשָׁחֵיט שׁוֹר וּבְנוֹ, שֶׂה וּבְנוֹ – לָא מִיחַיַּיב, קָא מַשְׁמַע לָן! לְחַלֵּק – מִ"בְּנוֹ" נָפְקָא.

The Gemara challenges: **This** word "**or**" **is necessary to separate** the prohibitions, **as** it might **enter your mind to say: One is not liable unless he slaughters** both **a bull and its offspring** and **a sheep and its offspring** in a single day. Therefore, the word "or" **teaches us** that one is liable for slaughtering either type of animal with its offspring. The Gemara responds: **Separating** the prohibitions **is derived from** the use of the words "**its offspring**" instead of their offspring.

NOTES

This verse establishes a paradigm – זֶה בָּנָה אָב: Rashi explains that the paradigm that the word *seh* must mean an animal that is purely a sheep or purely a goat, but not any animal of mixed breed, is derived from the verse: "A *seh* of sheep, and a *seh* of goats" (Deuteronomy 14:4), since it is not phrased: The *seh* of the sheep or the goats. Other early commentaries explain that the paradigm is derived from the verse with regard to the Paschal offering: "An unblemished *seh* . . . from the sheep, or from the goats, shall you take" (Exodus 12:5), which indicates that a *seh* is bred either from the sheep or from the goats, but it is not of a mixed breed (see *Tosafot*, *Tosefot HaRosh*, and Ran).

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וְאַכַּתִּי מִיבָּעֵי לֵיהּ לִכְדְּתַנְיָא: אִילּוּ נֶאֱמַר ״שׁוֹר וְשֶׂה וּבְנוֹ״, הָיִיתִי אוֹמֵר: עַד שֶׁיִּשְׁחוֹט שׁוֹר וְשֶׂה וּבְנוֹ – תַּלְמוּד לוֹמַר: ״שׁוֹר אוֹ שֶׂה אוֹתוֹ וְאֶת בְּנוֹ״; מַאי לָאו מֵ״אוֹ״ נָפְקָא לֵיהּ? לָא, מֵ״אוֹתוֹ״.

The Gemara challenges: **But** the word "or" **is still necessary for that which is taught** in a *baraita*: **If it were stated: A bull, and a sheep, and its offspring** you shall not slaughter in one day, **I would say:** One is not liable **unless he slaughters a bull, and a sheep, and the offspring** of one of them in a single day. Therefore, **the verse states: "A bull or a sheep… it and its offspring"** (Leviticus 22:28), to teach that one is liable even for slaughtering either of them and its offspring. **What, is it not from** the word **"or"** that the *baraita* **derives** this *halakha*? The Gemara responds: **No,** it is derived **from** the word **"it,"** and the offspring of diverse kinds are included in the prohibition due to the word "or."

הָנִיחָא לְרַבָּנַן, דְּמַיְיתַר לְהוּ ״אוֹתוֹ״; אֶלָּא לַחֲנַנְיָה, דְּלָא מַיְיתַר לֵיהּ ״אוֹתוֹ״, לְחַלֵּק מִנַּיִן לֵיהּ? לְחַלֵּק לָא צְרִיךְ קְרָא, דְּסָבַר לָהּ כְּרַבִּי יוֹנָתָן.

The Gemara asks: **This works out well according to** the opinion of **the Rabbis,** cited further in the discussion, **for whom** the word **"it" is superfluous** and can be used for this derivation, leaving the word "or" available to include the offspring of diverse kinds; **but according to** the opinion of **Ḥananya, for whom** the word **"it" is not superfluous, from where does he** derive that one is **to separate** into two prohibitions slaughtering either a bull with its offspring or a sheep with its offspring? The Gemara answers that there is **no need** for **a verse to separate** them into two prohibitions, **as** Ḥananya **holds in accordance with** the opinion of **Rabbi Yonatan.**

דְּתַנְיָא: ״אִישׁ אֲשֶׁר יְקַלֵּל אֶת אָבִיו וְאֶת אִמּוֹ״, אֵין לִי אֶלָּא אָבִיו וְאִמּוֹ; אָבִיו שֶׁלֹּא אִמּוֹ, וְאִמּוֹ שֶׁלֹּא אָבִיו, מִנַּיִן? תַּלְמוּד לוֹמַר: ״אָבִיו וְאִמּוֹ קִלֵּל״ – אָבִיו קִלֵּל, אִמּוֹ קִלֵּל, דִּבְרֵי רַבִּי יֹאשִׁיָּה.

As it is taught in a *baraita*: From the verse: **"A man who curses his father and his mother** shall die" (Leviticus 20:9), **I have** derived **only** that one is liable if he curses both **his father and his mother. From where** do I derive that if one curses **his father but not his mother,** or **his mother but not his father,** he is liable? The continuation of **the verse states: "His father and his mother he has cursed,** his blood is upon him." In the first part of the verse, the word "curses" is in proximity to "his father," and in the last part of the verse, "cursed" is in proximity to "his mother." This teaches that the verse is referring to both a case where **he cursed** only **his father** and a case where **he cursed** only **his mother;** this is **the statement of Rabbi Yoshiya.** Rabbi Yoshiya maintains that conjunctions are interpreted strictly unless the verse indicates otherwise.

רַבִּי יוֹנָתָן אוֹמֵר: מַשְׁמַע שְׁנֵיהֶם כְּאֶחָד, וּמַשְׁמַע אֶחָד בִּפְנֵי עַצְמוֹ, עַד שֶׁיְּפָרוֹט לְךָ הַכָּתוּב ״יַחְדָּו״.

Rabbi Yonatan says: There is no need for this derivation, because the phrase "his father and his mother" **indicates** that one is liable if he curses **both of them together, and it** also **indicates** that he is liable if he curses either **one** of them **on their own, unless the verse specifies** that one is liable only if he curses both **together.** An example of a verse where the Torah specifies that the *halakha* applies only to the two elements in conjunction is: "You shall not plow with an ox and a donkey together" (Deuteronomy 22:10). According to Rabbi Yonatan, had the verse stated with regard to a mother and its offspring: A bull and a sheep, and not: A bull or a sheep, one would still be liable for slaughtering each with its own offspring independently. Therefore, the word "or" is superfluous, and is utilized by Ḥananya, who agrees with the opinion of Rabbi Yonatan, to include the offspring of diverse kinds in this prohibition.

מַאי חֲנַנְיָה וּמַאי רַבָּנַן? דְּתַנְיָא: אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בִּנְקֵבוֹת וְאֵינוֹ נוֹהֵג בִּזְכָרִים, חֲנַנְיָה אוֹמֵר: נוֹהֵג בֵּין בִּזְכָרִים וּבֵין בִּנְקֵבוֹת.

The Gemara asks: **What** is the opinion of **Ḥananya, and what** is the opinion of **the Rabbis** that were mentioned earlier? Their opinions are elucidated **as it is taught** in a *baraita*: Despite the fact that the verse is written in the masculine form, the prohibition against slaughtering **itself and its offspring** in a single day **applies to females,** i.e., to a mother and its offspring, **but** it **does not apply to males,**[H] i.e., a male animal and its offspring. **Ḥananya says: It applies both to males and to females.**

HALAKHA

אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בִּנְקֵבוֹת וְאֵינוֹ נוֹהֵג בִּזְכָרִים: The prohibition against slaughtering a mother and its offspring in a single day applies to females but does not apply to males – The prohibition against slaughtering an animal and its offspring in a single day applies to females alone, since the mother's identity is known with certainty. When the father's identity is known with certainty, one may not slaughter it and its offspring in a single day, but if one slaughtered them, he is not flogged, as it is uncertain whether this prohibition applies to the male parent. This is in accordance with the opinion of Rav Yehuda on 79a (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:11, and *Haggahot Maimoniyyot* and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 16:2).

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מַאי טַעְמָא דְּרַבָּנַן? דְּתַנְיָא: יָכוֹל יְהֵא אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בֵּין בִּזְכָרִים וּבֵין בִּנְקֵבוֹת? וְדִין הוּא: חִייֵב כָּאן, וְחִייֵב בְּאֵם עַל הַבָּנִים; מַה כְּשֶׁחִייֵב בְּאֵם עַל הַבָּנִים – בִּנְקֵבוֹת וְלֹא בִּזְכָרִים, אַף כְּשֶׁחִייֵב כָּאן – בִּנְקֵבוֹת וְלֹא בִּזְכָרִים!

The Gemara asks: **What is the reasoning of the Rabbis,** i.e., the first *tanna*? Their reasoning is **as it is taught** in a *baraita*: One **might** have thought that the prohibition against slaughtering **a mother and its offspring would apply both to males and to females.** But could one not derive **this** by **logical inference,** reaching the opposite conclusion: The Torah **rendered one obligated here** not to slaughter an animal and its offspring in a single day, **and** the Torah **rendered one obligated with regard to a mother bird with its chicks**[B] not to seize them together, but to dispatch the mother. **Just as when it rendered one obligated with regard to a mother bird with its chicks,** the obligation applies **to female** birds **but not to males,**[H] as the verse states: "And the mother sitting on the chicks" (Deuteronomy 22:6), **so too, when it rendered one obligated here,** with regard to an animal and its offspring, the obligation should apply **to female** animals, **but not to males.**

לֹא, אִם אָמַרְתָּ בְּאֵם עַל הַבָּנִים – שֶׁכֵּן לֹא עָשָׂה בָּהּ מְזוּמָּן כְּשֶׁאֵינוֹ מְזוּמָּן, תֹּאמַר בְּאוֹתוֹ וְאֶת בְּנוֹ, שֶׁעָשָׂה בּוֹ מְזוּמָּן כְּשֶׁאֵינוֹ מְזוּמָּן?

One may respond: **No, if you say** that this is so **with regard to a mother bird with its chicks, for which** the Torah **did not render prepared** ones equivalent **to unprepared** ones,[H] as the obligation to dispatch the mother bird applies only where one happens to encounter a mother bird with its chicks spontaneously, but not to ones that he keeps in his property, **shall you** also **say** that this is so **with regard to** the prohibition of an animal **itself and its offspring,** for **which** the Torah **rendered prepared** ones equivalent **to unprepared** ones, prohibiting an animal and its offspring even if they are prepared? If so, the prohibition against slaughtering an animal and its offspring should apply to both males and females.

תַּלְמוּד לוֹמַר: "אוֹתוֹ" – אֶחָד וְלֹא שְׁנַיִם. אַחַר שֶׁחִילֵּק הַכָּתוּב, זָכִיתִי לָדִין: חִייֵב כָּאן וְחִייֵב בְּאֵם עַל הַבָּנִים; מַה כְּשֶׁחִייֵב בְּאֵם עַל הַבָּנִים – בִּנְקֵבוֹת וְלֹא בִּזְכָרִים, אַף כְּשֶׁחִייֵב כָּאן – בִּנְקֵבוֹת וְלֹא בִּזְכָרִים.

Therefore, **the verse states:** "A bull or a sheep, **it** and its offspring" (Leviticus 22:28). The superfluous word "it" indicates that this applies to only **one** parent, **but not** to **two.** The *baraita* continues: **After the verse separated** the parents, rendering the prohibition applicable to only one of them, **I merited** returning **to the logical inference** mentioned earlier: The Torah **rendered one obligated here** not to slaughter an animal and its offspring in a single day, **and** the Torah **rendered one obligated** to dispatch the mother **with regard to a mother bird with its chicks. Just as when it rendered one obligated with regard to a mother bird with its chicks,** the obligation applies **to females but not to males, so too, when it rendered one obligated here,** the obligation applies **to females but not to males.**

וְאִם נַפְשְׁךָ לוֹמַר, "בְּנוֹ" – מִי שֶׁבְּנוֹ כָּרוּךְ אַחֲרָיו, יָצָא זָכָר שֶׁאֵין בְּנוֹ כָּרוּךְ אַחֲרָיו.

And if it is your wish to say that one can refute this, that refutation can be countered by the following derivation: The verse states: "It and **its offspring"** (Leviticus 22:28), indicating that this applies to **that** parent **whose offspring clings to it.** This serves to **exclude** the **male** parent, **whose offspring does not cling to it.**

מָה "אִם נַפְשְׁךָ לוֹמַר"? וְכִי תֵּימָא: "אוֹתוֹ" – זָכָר מַשְׁמַע, הֲרֵי הוּא אוֹמֵר: "בְּנוֹ" – מִי שֶׁבְּנוֹ כָּרוּךְ אַחֲרָיו, יָצָא זָכָר, שֶׁאֵין בְּנוֹ כָּרוּךְ אַחֲרָיו.

The Gemara asks: To **what** possible refutation is the expression: **If it is your wish to say,** referring? The Gemara explains that the possible refutation is: **And if you would say** that the word **"it,"** in the verse **denotes a male,** as it is expressed in the masculine gender in the Hebrew, the response is that the verse also **states "its offspring"** in that verse, indicating that this applies to **that** parent **whose offspring clings to it.** This serves to **exclude** the **male** parent, **whose offspring does not cling to it.**

BACKGROUND

Mother bird with its chicks – אֵם עַל הַבָּנִים: There is a mitzva in the Torah (Deuteronomy 22:6–7) that one who finds a nest in which a mother bird is sitting on her eggs or with her fledglings must dispatch the mother before taking the eggs or the chicks. The Sages clarified that this mitzva applies only to kosher birds.

HALAKHA

With regard to a mother bird with its chicks, to female birds and not to males – בְּאֵם עַל הַבָּנִים בִּנְקֵבוֹת וְלֹא בִּזְכָרִים: One who finds the father bird sitting on the nest is exempt from dispatching him, as the mitzva of dispatching the parent bird from the nest applies to mother birds alone (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 292:7).

The Torah did not render prepared ones equivalent to unprepared ones – לֹא עָשָׂה בָּהּ מְזוּמָּן כְּשֶׁאֵינוֹ מְזוּמָּן: The mitzva of dispatching the mother bird from the nest applies only to kosher birds that are not prepared within one's domain, such as doves from the dovecote or the attic, and birds nesting in the orchard, as it is written: "If it chance" (Deuteronomy 22:6). One need not drive out prepared birds, such as geese, chickens, or doves, nesting in the house (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 292:2).

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HALAKHA

Animals that are born from a female horse – הַנּוֹלָדִים מִן הַסּוּס: If their mothers are of the same species and their fathers are of the same species, offspring of diverse kinds may be mated with each other, according to all opinions. If their mothers are of different species, even if they are both cross-breeds of the same two species, it is prohibited to mate them, as perhaps paternity is not taken into account, in accordance with the opinion of Rabbi Yehuda, which is accepted as *halakha* in *Ketubot* (111b). In addition, *amora'im* further on in this tractate also follow his opinion, according to the Gemara's conclusion that he is uncertain whether or not one need be concerned with paternity (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 297b:9).

וְלַחֲנַנְיָה, כְּתִיב ״אוֹתוֹ״ – דְּמַשְׁמַע זָכָר, וּכְתִיב ״בְּנוֹ״ – מִי שֶׁבְּנוֹ כָּרוּךְ אַחֲרָיו, דְּמַשְׁמַע נְקֵבָה, הִלְכָּךְ נוֹהֵג בֵּין בִּזְכָרִים בֵּין בִּנְקֵבוֹת.

And according to the opinion of Ḥananya, the reason for his ruling is that **it is written "it," which indicates a male, and it is written "its offspring,"** teaching that the prohibition applies to **that** parent **whose offspring clings to it, which indicates a female. Therefore,** this prohibition **applies to both males and females.**

אָמַר רַב הוּנָא בַּר חִיָּיא אָמַר שְׁמוּאֵל: הִלְכְתָא כְּחַנַנְיָה. וְאָזְדָא שְׁמוּאֵל לְטַעְמֵיהּ. דְּתָנֵי, רַבִּי יְהוּדָה אוֹמֵר: הַנּוֹלָדִים מִן הַסּוּס, אַף עַל פִּי שֶׁאֲבִיהֶן חֲמוֹר – מוּתָּרִין זֶה בָּזֶה, אֲבָל הַנּוֹלָדִין מִן הַחֲמוֹר עִם הַנּוֹלָדִין מִן הַסּוּס – אֲסוּרִין;

Rav Huna bar Ḥiyya says that **Shmuel says: The *halakha*** is **in accordance with** the opinion of **Ḥananya. And Shmuel follows his** line of **reasoning, as we learned** in a mishna (*Kilayim* 8:4): **Rabbi Yehuda says:** With regard to two animals **that are born from** a female **horse,**[H] **even if the father** of one is **a donkey** and the father of the other is a horse, **they are permitted** to mate **with one another.** Since the mothers of both are horses, the offspring are all considered of the same species. **But** to mate animals **that are born from** a female **donkey with** animals **that are born from** a female **horse,** even if one animal was born from a male horse and a female donkey and the other was born from a male donkey and a female horse, is **prohibited,** due to the prohibition of diverse kinds.

וְאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: זוֹ דִּבְרֵי רַבִּי יְהוּדָה, דְּאָמַר: אֵין חוֹשְׁשִׁין לְזֶרַע הָאָב, אֲבָל חֲכָמִים אוֹמְרִים: כָּל מִינֵי פְּרָדוֹת אַחַת הֵן.

And, commenting on that mishna, **Rav Yehuda says** that **Shmuel says: This is the statement of Rabbi Yehuda, who says: One** need **not be concerned with its paternity** in determining the species of an animal,[N] as the species is determined solely by the mother. **But the Rabbis say:** The species of an animal is determined according to both its mother and its father. Therefore, **all types of mules,** regardless of which parent is a horse and which is a donkey, **are** considered **a single** species and may mate with each other.

מַאן חֲכָמִים – חַנַנְיָה הוּא, דְּאָמַר: חוֹשְׁשִׁין לְזֶרַע הָאָב, וְהַאי בַּר סוּסְיָא וַחֲמָרָא, וְהַאי בַּר חֲמָרָא וְסוּסְיָא – כּוּלְּהוּ חָדָא מִינָא נִינְהוּ.

Now, **whose** opinion is referred to as that of **the Rabbis** here? **It is** that of **Ḥananya, who says: One** needs **to be concerned with paternity,** as, in his opinion, the prohibition against slaughtering an animal and its offspring applies to a male and its offspring as well. **And** therefore, with regard to the prohibition of diverse kinds as well, **this** mule that is **the offspring of** a female **horse and** a male **donkey, and that** mule that is the **offspring of** a female **donkey and** a male **horse are all a single species.**

אִיבַּעְיָא לְהוּ: מִי פְּשִׁיט לֵיהּ לְרַבִּי יְהוּדָה דְּאֵין חוֹשְׁשִׁין לְזֶרַע הָאָב, אוֹ דִּלְמָא סַפּוּקֵי מְסַפְּקָא לֵיהּ? לְמַאי נָפְקָא מִינָּהּ?

A dilemma was raised before the Sages: **Is Rabbi Yehuda certain that one** need **not be concerned with its paternity** in determining the species of the offspring, **or perhaps he is uncertain** whether or not one need be concerned with its paternity? The Gemara asks: **What is the** practical **difference?**

NOTES

One need not be concerned with its paternity in determining the species of an animal – אֵין חוֹשְׁשִׁין לְזֶרַע הָאָב: According to this opinion, although the offspring contains a genetic component from the father, just as it does from the mother, and the offspring sometimes resembles the father (*Tosafot* on *Bekhorot* 17a), for halakhic purposes the lineage of the offspring is traced only from the mother and not the father. According to the opposing view, which takes into account both the mother and father, it is important only whether or not the animal is a hybrid; it does not matter which parent is of which species. This issue has several practical implications, as is explained further on in the Gemara.

Halakhot regarding the mating of mules

	Mating of the offspring of a female horse and a male donkey with the offspring of a female horse and a male donkey	Mating of the offspring of a female horse and a male donkey with the offspring of a female donkey and a male horse	Mating of the offspring of a female horse and a male donkey with a full-blooded horse
If the species is determined by both mother and father	Permitted	Permitted	Forbidden
If the species is determined solely by the mother	Permitted	Forbidden	Permitted
If it is uncertain how the species is determined	Permitted	Forbidden	Forbidden

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לְמִישְׁרָא פְּרִי עִם הָאֵם; אִי אָמְרַתְּ: מִיפְּשָׁט פְּשִׁיטָא לֵיהּ – פְּרִי עִם הָאֵם שָׁרֵי; אֶלָּא אִי אָמְרַתְּ: סַפּוּקֵי מְסַפְּקָא לֵיהּ – פְּרִי עִם הָאֵם אָסוּר.

The Gemara answers: The practical difference is **with regard to permitting** the mating of **the offspring with** the species of **the mother,**[H] e.g., the mating of the offspring of a female horse and a male donkey together with a horse. **If you say** that Rabbi Yehuda is **certain** that one need not be concerned with its paternity, then the mating of **the offspring with** the species of **the mother is permitted,** as, in this case, they are both considered horses. **But if you say** that Rabbi Yehuda is **uncertain,** then the mating of **the offspring with** the species of **the mother is prohibited,** as one must be concerned about the species of the father.

מַאי? תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: כָּל הַנּוֹלָדִים מִן הַסּוּס, אַף עַל פִּי שֶׁאֲבִיהֶן חֲמוֹר – מוּתָּרִין זֶה בָּזֶה; הֵיכִי דָּמֵי? אִילֵימָא דַּאֲבוּהּ דְּהַאי חֲמוֹר, וְאַבּוּהּ דְּהַאי חֲמוֹר, צְרִיכָא לְמֵימַר? אֶלָּא לָאו, דַּאֲבוּהּ דְּהַאי – סוּס, וְאַבּוּהּ דְּהַאי – חֲמוֹר;

What, then, is the answer to the question? The Gemara suggests: **Come** and **hear** a possible resolution from the mishna cited earlier: **Rabbi Yehuda says: All that are born from** a female **horse, even if the father** of one **of them** is **a donkey, are permitted** to mate **with each other. What are the circumstances** here? **If we say that the father of this** male animal is **a donkey, and the father of that** female animal, with which the male is to be mated, is **a donkey,** does it **need to be said?** Since the mothers of both animals are horses, they are both of the same species and may certainly mate with each other. **Rather, is it not that the father of this** one is **a horse, and the father of that** other one is **a donkey?**

וְקָתָנֵי: מוּתָּרִים זֶה עִם זֶה, אַלְמָא: מִיפְּשָׁט פְּשִׁיטָא לֵיהּ!

And yet **it is taught** that **they are permitted** to mate **with each other. Evidently,** Rabbi Yehuda is **certain** that one need not be concerned with its paternity in determining the species of the offspring. If he were uncertain, he would deem their mating prohibited, as the father of one is a horse while the father of the other is a donkey.

לָא, לְעוֹלָם דַּאֲבוּהּ דְּהַאי חֲמוֹר, וְאַבּוּהּ דְּהַאי חֲמוֹר. וּדְקָאָמַרְתְּ: צְרִיכָא לְמֵימַר? מַהוּ דְּתֵימָא: אָתֵי צַד דְּסוּס מִשְׁתַּמֵּשׁ בְּצַד חֲמוֹר, וְצַד חֲמוֹר מִשְׁתַּמֵּשׁ בְּצַד סוּס, קָא מַשְׁמַע לָן.

The Gemara responds: **No,** one cannot cite proof from this, as it can be said **that actually, the father of this** male animal is **a donkey, and the father of that** female animal is also **a donkey. And** with regard to **that which you say:** Does it **need to be said** that these two may mate? It does need to be said, **lest you say: The horse component** of the male mule **comes** and **copulates with the donkey component** of the female mule, **and the donkey component** of the male mule **copulates** specifically **with the horse component** of the female mule, which would violate the prohibition of diverse kinds. Therefore, Rabbi Yehuda **teaches us** that they are both of the same species and may mate.

תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: פִּרְדָּה שֶׁתָּבְעָה – אֵין מַרְבִּיעִין עָלֶיהָ לֹא סוּס וְלֹא חֲמוֹר, אֶלָּא מִינָהּ; וְאִי אָמְרַתְּ: מִפְּשַׁט פְּשִׁיטָא לֵיהּ – לִרְבַּע עִלָּה מִינָא דְּאִמָּהּ! דִּלְמָא יָדְעִינַן מִינָא דְּאִמָּהּ מַאי נִיהוּ.

The Gemara suggests: **Come** and **hear** a possible resolution from a *baraita*: **Rabbi Yehuda says:** With regard to **a female mule**[B] **in heat, one may not mate a horse or a donkey with her,** due to the prohibition against crossbreeding diverse kinds of livestock. **Rather,** one mates her with **one of her species,** another mule. **And if you say** that Rabbi Yehuda is **certain** that one need not be concerned with its paternity in determining the species of the offspring, then why not **mate her with the species of her mother?** Evidently, Rabbi Yehuda is uncertain and therefore deems it prohibited to mate her with either a horse or a donkey. The Gemara responds: The *baraita* is referring to a case **where we do not know what the mother's species is.**

BACKGROUND

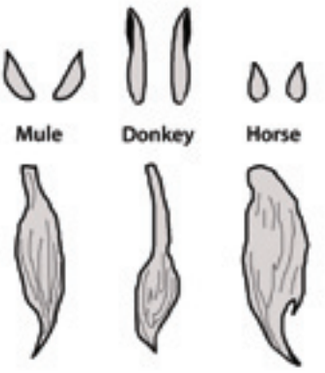
Female mule – פִּרְדָּה: The mule, whose scientific name is *Equus mulus*, is a result of interbreeding between a horse and a donkey. If its mother is a horse it is called a mule; if its mother is a donkey it is properly called a hinny, though that term is little used. A mule can be male or female, and though it has externally normal-looking reproductive organs, due to its odd number of chromosomes it is very rarely fertile. The mule is known as a very strong animal, with enormous capacity for endurance, and it has served as a beast of burden and labor for thousands of years. The hinny is smaller and relatively rare.

The mule that is known today is similar to its mother in appearance and size. Yet, it has different characteristics than those mentioned in the Gemara, such as long ears like a donkey's, a tail whose first part is hairless like a donkey's, and small hoofs, and may be a different breed than that known in talmudic times. It also produces sounds that vary from the braying of a donkey to the neighing of a horse.

By contrast, the hinny has a head and a tail resembling those of a horse and ears shorter than those of a donkey.



Mule



Comparison of ears and tails of mules, donkeys, and horses

HALAKHA

The mating of the offspring with the species of the mother – מִישְׁרָא פְּרִי עִם הָאֵם: Interbreeding the offspring of diverse kinds even with its mothers' species is prohibited. For example, interbreeding a mule whose mother is a donkey is prohibited not only with a horse, but also with a donkey, since it is uncertain whether one need be concerned with paternity. Therefore, perhaps the horse component of the mule copulates with the donkey, in accordance with the opinion of Rav Huna son of Rav Yehoshua (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 297b:9).

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LANGUAGE

Wagon [*rispak*] – רִיסְפַּק: In the *Arukh* and other sources this word is cited as *dispak*. Apparently it is derived from the Middle Iranian word dēspak, which in turn comes from the Old Persian dvai-aspaka, meaning two horses, which were necessary to pull a carriage.

וְהָא ״אֶלָּא מִינָּהּ״ קָתָנֵי! הָכִי קָאָמַר: אֵין מַרְבִּיעִין עָלֶיהָ לֹא מִין סוּס וְלֹא מִין חֲמוֹר, לְפִי שֶׁאֵין יוֹדְעִין בְּמִינָהּ. וְלִיבְדּוֹק בְּסִימָנִין, דְּאָמַר אַבַּיֵי: עָבֵי קָלֶיהָ – בַּר חֲמָרָא, צָנֵיף קָלֶיהָ – בַּר סוּסְיָא; וְאָמַר רַב פַּפָּא: רַבְרְבָן אוּדְנֶיהָ וְזוּטְרָא גְּנוּבְתֵּיהּ – בַּר חֲמָרָא, זוּטְרָן אוּדְנֶיהָ וְרַבָּה גְּנוּבְתֵּיהּ – בַּר סוּסְיָא! הָכָא בְּמַאי עָסְקִינַן – בְּאִלֶּמֶת וּגְדוּמֶת.

The Gemara challenges: **But** the *baraita* **teaches: Rather,** one mates her with **one of her species,** indicating that her species is known. The Gemara explains that **this** is what the *baraita* **is saying: One may not mate the species of a horse or the species of a donkey with her, because one does not** usually **know the species of** the mother of a mule that one encounters. The Gemara suggests: **But let one check** her species **by** her **distinguishing characteristics,**[H] **as Abaye says:** If **its voice is deep,** it is **the offspring of a female donkey;** if **its voice is shrill,** it is **the offspring of a female horse. And Rav Pappa says:** If **its ears are large and its tail is small,** it is **the offspring of a female donkey;** if **its ears are small and its tail is large,** it is **the offspring of a female horse.** The Gemara answers: **Here we are dealing with** a mule who is **mute, and** whose ears and tail are **lopped off,** and whose species cannot be determined. Therefore, Rabbi Yehuda's opinion cannot be proven from this case.

מַאי הֲוֵי עֲלָהּ? תָּא שְׁמַע, דְּאָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: הַכֹּל מוֹדִין בִּפְרִי עִם הָאֵם שֶׁאָסוּר; שְׁמַע מִינָּהּ – סַפּוּקֵי מְסַפְּקָא לֵיהּ, שְׁמַע מִינָּהּ.

The Gemara asks: **What** conclusion **was** reached **about it? Come** and **hear** a resolution, **as Rav Huna, son of Rav Yehoshua, says: All,** including Rabbi Yehuda, **agree with regard to** mating the **offspring with** the species of **its mother that it is prohibited. Conclude from it** that Rabbi Yehuda is **uncertain.**[N] If he were certain that one need not be concerned with its paternity, he would deem mating the offspring with the species of its mother permitted, since the father's species would not matter. The Gemara affirms: **Conclude from it** that this is so.

אֲמַר לֵיהּ רַבִּי אַבָּא לְשַׁמָּעֵיהּ: אִי מָעַיְּילַת לִי כּוֹדְנַיָּיתָא בְּרִיסְפַּק – עַיֵּין לְהָנָךְ דְּדָמְיָין לַהֲדָדֵי, וְעַיֵּיל לִי. אַלְמָא קָסָבַר: אֵין חוֹשְׁשִׁין לְזֶרַע הָאָב,

The Gemara relates with regard to this issue that **Rabbi Abba said to his servant: If you bring me mules** attached **to a wagon** [*rispak*],[L] **look for those**[N] **that are similar to each other** in their voices and the sizes of their ears and tails, **and bring** those **for me,** in order not to violate the prohibition of diverse kinds. **Evidently,** Rabbi Abba **holds** that with regard to the offspring of diverse kinds, **one** need **not be concerned with** its **paternity,** since, as explained earlier, these distinguishing characteristics indicate only the species of the mother.

HALAKHA

But let one check her species by her distinguishing characteristics – וְלִיבְדּוֹק בְּסִימָנִין: If one wishes to mate a male mule with a female mule, or to have two mules pull a wagon, he should check the characteristics of their ears, tails, and voices. If they are similar to one another in these characteristics, then it is certain that their mothers are of the same species, and they are permitted to mate or work hitched together. This ruling is in accordance with the Gemara's conclusion that one may rely upon distinguishing characteristics even with regard to prohibitions that are mandated by Torah law (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 297b:9).

NOTES

He is uncertain – סַפּוּקֵי מְסַפְּקָא לֵיהּ: According to this explanation, which is accepted as *halakha*, the offspring of diverse kinds may mate only when their fathers are of the same species and their mothers are of the same species. If this is not so, such as in a case where one wants to mate a mule whose father is a horse and whose mother is a donkey with a mule whose father is a donkey and whose mother is a horse, it is forbidden. In addition, a mule may not mate with either a horse or a donkey, as either the mother or the father of the mule would not be of the same species to which both parents of the other animal belong.

Since this opinion is based upon the uncertainty as to whether paternity is taken into account, one who mates a forbidden pair in the above cases does not receive lashes (Rosh, *Hilkhot Kilayim*). The Rambam writes that one who mates interbred animals whose mothers are of different species, or who mates a mule with an animal of its mother's species, receives lashes, and the commentaries deliberate at length on how to explain his opinion (see *Ḥatam Sofer* and *Arukh HaShulḥan*, *Yoreh De'a* 16:27).

Look for those – עַיֵּין לְהָנָךְ: It is prohibited to work or drive animals of diverse kinds, i.e., from different species, hitched together (see Deuteronomy 22:10). Violation of this prohibition is punishable by lashes.

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וְסִימָנִין דְּאוֹרַיְיתָא.

And in addition, he holds that these **distinguishing characteristics** apply **by Torah law,** such that they may be relied upon to allay concerns of violating even a prohibition that is mandated by Torah law.

תָּנוּ רַבָּנַן: אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בַּכִּלְאַיִם וּבְכוּי. רַבִּי אֱלִיעֶזֶר אוֹמֵר: כִּלְאַיִם הַבָּא מִן הָעֵז וּמִן הָרָחֵל – אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בּוֹ, כּוֹי – אֵין אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בּוֹ. אָמַר רַב חִסְדָּא: אֵיזֶהוּ כּוֹי שֶׁנֶּחְלְקוּ בּוֹ רַבִּי אֱלִיעֶזֶר וַחֲכָמִים – זֶה הַבָּא מִן הַתַּיִּשׁ וּמִן הַצְּבִיָּה.

§ **The Sages taught** in a *baraita* (see *Tosefta* 5:1): The prohibition against slaughtering an animal **itself and its offspring applies to** the offspring of **diverse kinds** of animals,[HB] such as a goat and a ewe, **and to the *koy,*** even though the prohibition does not apply to undomesticated animals. **Rabbi Eliezer says:** With regard to **a hybrid** that **results from** the mating of **a goat and a ewe,** the prohibition of **a mother and its offspring applies;** with regard to **a *koy,*** the prohibition of **a mother and its offspring does not apply. Rav Ḥisda says: What is the *koy* about which Rabbi Eliezer and the Rabbis disagree?**[N] It is **that which results from** the mating of **a goat and a doe.**

הֵיכִי דָּמֵי? אִילֵימָא בְּתַיִּשׁ הַבָּא עַל הַצְּבִיָּה וְיָלְדָה, וְקָא שָׁחֵיט לָהּ וְלִבְרָהּ; וְהָאָמַר רַב חִסְדָּא: הַכֹּל מוֹדִים בְּהֵיא צְבִיָּה וּבְנָהּ תַּיִּשׁ – שֶׁפָּטוּר, "שֶׂה וּבְנוֹ" אָמַר רַחֲמָנָא, וְלָא צְבִי וּבְנוֹ!

The Gemara asks: **What are the circumstances** surrounding the birth of this *koy*? **If we say** that it is the result **of a goat that mates with a doe,**[H] **and she gives birth, and one slaughters her and her offspring** on the same day, that is difficult: **But doesn't Rav Ḥisda say: All concede in** the case where **she is a doe and her offspring is a goat,** because she mated with a goat, **that** one who slaughters them both on the same day **is exempt** from lashes for violating the prohibition of a mother and its offspring? He is exempt because **the Merciful One states:** "And whether it be a bull or **a sheep,** you shall not slaughter it **and its offspring** both in one day" (Leviticus 22:28), indicating that the prohibition applies to a domesticated animal and its offspring, **but not** to an undomesticated animal and its offspring, such as **a doe and its offspring.**

אֶלָּא, בְּצְבִי הַבָּא עַל הַתְּיָישָׁה וְיָלְדָה, וְקָא שָׁחֵיט לָהּ וְלִבְרָהּ; וְהָאָמַר רַב חִסְדָּא: הַכֹּל מוֹדִים בְּהֵיא תְּיָישָׁה וּבְנָהּ צְבִי – שֶׁחַיָּיב, "שֶׂה" אָמַר רַחֲמָנָא, וּבְנוֹ כָּל דְּהוּ!

Rather, perhaps this *koy* is the product **of a deer that mates with a female goat,**[H] **and she gives birth, and one slaughters her and her offspring** on the same day. **But doesn't Rav Ḥisda say: All concede** that **in** the case where **she is a goat and her offspring is a deer** because she mated with a deer, **that** one who slaughters them both on the same day **is liable?** He is liable because **the Merciful One states** in the Torah: "**A sheep** … and its offspring" (Leviticus 22:28), indicating that the prohibition applies to a domesticated animal such as a sheep **and its offspring** of **any** species, even if it is an undomesticated animal.

לְעוֹלָם בְּתַיִּשׁ הַבָּא עַל הַצְּבִיָּה, וְיָלְדָה בַּת, וּבַת יָלְדָה בֵּן, וְקָא שָׁחֵיט לָהּ וְלִבְרָהּ;

The Gemara responds: **Actually,** the dispute between Rabbi Eliezer and the Rabbis is in the case **of a goat that mates with a doe, and she gives birth to a female offspring,**[H] a *koy,* **and** this **female offspring gives birth to a male offspring, and one slaughters her and her male offspring** on the same day.

רַבָּנַן סָבְרִי: חוֹשְׁשִׁין לְזֶרַע הָאָב, וְ"שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה. וְרַבִּי אֱלִיעֶזֶר סָבַר: אֵין חוֹשְׁשִׁין לְזֶרַע הָאָב, וְ"שֶׂה" וַאֲפִילּוּ מִקְצָת שֶׂה – לָא אָמְרִינַן.

The Rabbis hold: One needs **to be concerned with its paternity,** and therefore the *koy* is partially a goat due to its father, **and** the word "**sheep**" in the verse means that **even** if it is **partially a sheep,** i.e., a domesticated animal, it may not be slaughtered with its offspring in a single day. **And Rabbi Eliezer holds: One** need **not be concerned with its paternity,** and the status of the *koy* is unaffected by the fact that its father is a goat, **and** therefore, in this case **we do not say** that the word "**sheep**" mentioned in the verse means that **even** if it is **partially a sheep** it may not be slaughtered with its offspring in a single day, as the father's component is ignored.

וְלִיפְלוֹג בְּחוֹשְׁשִׁין לְזֶרַע הָאָב, בִּפְלוּגְתָּא דְּחַנַנְיָה וְרַבָּנַן!

The Gemara challenges: **And let them disagree** with regard to any animal of mixed breed **about** whether **one** needs **to be concerned with its paternity,** i.e., **with regard to** the issue that is the subject of **the dispute between Ḥananya and the Rabbis,** whether the prohibition against slaughtering an animal and its offspring on the same day also applies to a father and its offspring because one needs to be concerned with an animal's paternity.

HALAKHA

The prohibition against slaughtering an animal itself and its offspring applies to the offspring of diverse kinds of animals – אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בַּכִּלְאַיִם: The prohibition against slaughtering an animal and its offspring applies to the offspring of diverse kinds of animals interbred from a goat and a sheep (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 16:7).

A goat that mates with a doe – תַּיִּשׁ הַבָּא עַל הַצְּבִיָּה: If a goat mates with a doe, and she gives birth, according to the opinion of the Rambam and the *Shulḥan Arukh* it is prohibited to slaughter that doe and its offspring on the same day (see *Beit Yosef* and *Taz*). The Rashba and *Tur* rule that it is permitted to slaughter them on the same day, *ab initio*, as the verse states: "A sheep…and its offspring" (Leviticus 22:28), and not: A doe and its offspring (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:8; *Shulḥan Arukh*, *Yoreh De'a* 16:8, and see *Shakh* and *Beur HaGra* there).

A deer that mates with a female goat – צְבִי הַבָּא עַל הַתְּיָישָׁה: If a deer mates with a female goat, and she gives birth, and one slaughters the goat and her offspring on the same day, he is flogged by Torah law, in accordance with the statement of Rav Ḥisda that the Torah states: "A sheep…and its offspring" (Leviticus 22:28), to indicate that the prohibition applies to a domesticated animal, such as a ewe, and its offspring of any species (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:8; *Shulḥan Arukh*, *Yoreh De'a* 16:8).

A goat that mates with a doe and she gives birth to a female offspring – תַּיִּשׁ הַבָּא עַל הַצְּבִיָּה וְיָלְדָה בַּת: If a goat mates with a doe, and she gives birth to a female offspring, and the female offspring then gives birth to offspring, it is prohibited to slaughter the female offspring and its offspring in a single day, in accordance with the opinion of the Rabbis according to the conclusion of the Gemara that one needs to be concerned with paternity, and that the word "sheep" in the verse means that if the animal has any domesticated animal component, it may not be slaughtered with its offspring in a single day. The Rambam and the *Shulḥan Arukh* both rule that one who slaughters them is flogged. Many commentaries question this ruling, as the conclusion in the Gemara indicates that the Rabbis are uncertain whether or not one needs to be concerned with paternity, and, due to that uncertainty, prohibit slaughtering, but one should not get flogged in a case of uncertainty (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 16:8, and see *Shakh* and *Beur HaGra* there).

BACKGROUND

Offspring of diverse kinds of animals – כִּלְאַיִם: The sheep, whose biological genus is *Ovis*, and the goat, whose genus is *Capra*, both belong to the biological family Bovidae, and the Caprinae subfamily. Sheep have fifty-four chromosomes, and goats have sixty, making it nearly impossible for them to interbreed and produce viable offspring. Nevertheless, even in modern times, rare cases of successful interbreeding have been reported.

NOTES

What is the *koy* about which Rabbi Eliezer and the Rabbis disagree – אֵיזֶהוּ כּוֹי שֶׁנֶּחְלְקוּ בּוֹ רַבִּי אֱלִיעֶזֶר וַחֲכָמִים: The intent of Rav Ḥisda's statement is to disagree with those who say (80a) that a *koy* is a distinct entity (Rashi; Ramban).

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אִי פְּלִיגִי בְּהַהִיא, הֲוָה אָמִינָא: בְּהָא – אֲפִילּוּ רַבָּנַן מוֹדוּ, דְּ"שֶׂה" וַאֲפִילּוּ מִקְצָת שֶׂה – לָא אָמְרִינַן, קָא מַשְׁמַע לָן.

The Gemara responds: **If they would disagree** only **about that** issue, **I would say:** With regard to **this** issue of a doe mother and a goat father, **even the Rabbis concede that we do not say** that the word "**sheep**" mentioned in the verse means that **even** if an animal is **partially a sheep,** i.e., a domesticated animal, it may not be slaughtered with its offspring in a single day. Therefore, the *baraita* **teaches us** that according to the Rabbis, not only does one need to be concerned with paternity, but the word "sheep" indicates that even if it is partially a sheep, i.e., a domesticated animal, it may not be slaughtered with its offspring.

וְהָא דְּתָנַן: כּוֹי – אֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב, וְאִם שָׁחַט – אֵין מְכַסִּין אֶת דָּמוֹ;

The Gemara challenges: **But that which we learned** in a mishna (83b) appears to contradict this: **One may not slaughter a *koy* on a Festival,**[NH] because covering its blood entails the performance of prohibited labor that is permitted only if there is a definite obligation to do so. **And if one slaughtered** a *koy* on a Festival after the fact, **one does not cover its blood,** as the Sages prohibited transporting soil on a Festival where it is uncertain that a mitzva by Torah law exists.

בְּמַאי עָסְקִינַן? אִילֵימָא בְּתַיִּישׁ הַבָּא עַל הַצְּבִיָּה וְיָלְדָה, בֵּין לְרַבָּנַן בֵּין לְרַבִּי אֱלִיעֶזֶר – לִשְׁחוֹט וְלִיכַסֵּי, "צְבִי" – וַאֲפִילּוּ מִקְצָת צְבִי!

The Gemara explains the question: **What are we dealing with? If we say** that we are dealing **with a goat who mates with a doe, and she gives birth,** then **whether according to** the opinion of **the Rabbis or according to** the opinion of **Rabbi Eliezer,**[N] **let him slaughter** the *koy* on the Festival *ab initio* **and cover** the blood, as the mother of the *koy* is **a deer, and** the *koy* therefore may be termed an undomesticated animal, whose blood requires covering. This should be so **even** if it is **partially a deer,** i.e., it has an undomesticated animal component from only one parent, since all agree that the offspring's species derives from its mother.

אֶלָּא, בִּצְבִי הַבָּא עַל הַתַּיָּישָׁה וְיָלְדָה, אִי לְרַבָּנַן – לִשְׁחוֹט וְלִיכַסֵּי, אִי לְרַבִּי אֱלִיעֶזֶר – לִשְׁחוֹט וְלָא לִיכַסֵּי!

Rather, we must be dealing **with** a case of **a deer that mates with a female goat, and she gives birth.** This, too, is difficult: **If** the mishna is **in accordance with** the opinion of **the Rabbis** that one needs to be concerned with paternity, **let him slaughter** this *koy* on the Festival *ab initio* **and cover** the blood, as it is partially an undomesticated animal due to its father. **If** the mishna holds **in accordance with** the opinion of **Rabbi Eliezer** that one need not be concerned with paternity, **let him slaughter** the *koy* on the Festival *ab initio* **and not cover** the blood, as it should be considered a domesticated animal, whose blood does not require covering due to its mother who is a goat.

לְעוֹלָם בִּצְבִי הַבָּא עַל הַתַּיָּישָׁה, וְרַבָּנַן סַפּוּקֵי מְסַפְּקָא לְהוּ, אִי חוֹשְׁשִׁין לְזֶרַע הָאָב אִי אֵין חוֹשְׁשִׁין.

The Gemara concludes that **actually** this mishna is in accordance with the opinion of the Rabbis, and it is referring to a case **of a deer who mates with a female goat, and the Rabbis** do not say with certainty that in determining the species of an animal one must be concerned with paternity, but rather the Rabbis **are** simply **uncertain whether one** needs **to be concerned with its paternity or one** need **not be concerned.** Therefore, they rule that one should not slaughter it on a Festival, *ab initio*, in order to avoid a possible prohibition, and if one did slaughter it, he should not cover the blood, to avoid violating a prohibition in order to perform an uncertain mitzva.

NOTES

One may not slaughter a *koy* on a Festival, etc. – כּוֹי אֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב וכו׳: There is a mitzva by Torah law to cover the blood after slaughter. This mitzva applies specifically to the blood of birds and undomesticated animals, but not to domesticated animals, as is stated in the verse: "And a man…that takes in hunting any undomesticated animal or bird that may be eaten, he shall pour out its blood and cover it with dust" (Leviticus 17:13).

Whether according to the Rabbis or according to Rabbi Eliezer, etc. – בֵּין לְרַבָּנַן בֵּין לְרַבִּי אֱלִיעֶזֶר וכו׳: Since only the Rabbis hold that one needs to be concerned with paternity, only they require invoking the principle that its mother being a deer justifies the animal itself being considered an undomesticated animal whose blood requires covering, since that should be so even if it is partially a deer. By contrast, according to Rabbi Eliezer, who holds that one need not be concerned with paternity, this principle need not be invoked, since the mother of this *koy* is a doe, and therefore it must be considered completely an undomesticated animal whose blood must be covered (Rashba).

HALAKHA

One may not slaughter a *koy* on a Festival – כּוֹי אֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב: One must cover the blood of the offspring of diverse kinds that are the result of mating between domesticated and undomesticated animals, but one does not recite a blessing over that act. One also may not slaughter such an animal on a Festival, and if one transgressed and slaughtered it, he may not cover the blood until after the Festival ends. According to the *Shakh*, this ruling refers to the case of the offspring of a deer and a female goat, as it is uncertain whether one needs to be concerned with paternity. By contrast, the blood of the offspring of a goat and a doe must be covered and a blessing recited, as one certainly takes into account the species of the mother. Such an animal may be slaughtered, and its blood must be covered, on a Festival (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 3:1; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 498:18 and *Yoreh De'a* 28:3).

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וּמִדְּלָרַבָּנָן מְסַפְּקָא לְהוּ, לְרַבִּי אֱלִיעֶזֶר פְּשִׁיטָא לֵיהּ.

The Gemara infers: **And from** the fact **that the Rabbis are uncertain,** and therefore they rule that the prohibition of: Itself and its offspring, applies to a *koy*, it can be inferred that **according to** the opinion of **Rabbi Eliezer,** who rules that the prohibition of: Itself and its offspring, does not apply to a *koy*, it is **obvious** that, with regard to a *koy* resulting from a deer mating with a female goat, one need not be concerned with its paternity at all.

וְהָא דְּתַנְיָא: הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִים בַּכּוֹי וּבַכִּלְאַיִם. רַבִּי אֱלִיעֶזֶר אוֹמֵר: כִּלְאַיִם הַבָּא מִן הָעֵז וּמִן הָרָחֵל – חַיָּיב בְּמַתָּנוֹת, מִן הַכּוֹי – פָּטוּר מִן הַמַּתָּנוֹת;

The Gemara asks: **But** according to this, **that which is taught** in a *baraita* (see *Tosefta* 9:1) presents a difficulty: The mitzva to give **the foreleg, the jaw, and the maw**[NH] of non-sacred animals to a priest **applies** both **to a *koy* and to** the offspring of **diverse kinds** of animals. **Rabbi Eliezer says: A hybrid** that **results from** the mating of **a goat and a ewe is obligated to** have **gifts** of the priesthood given from it; a hybrid that results **from a *koy* is exempt from** having **gifts** of the priesthood given from it.

בְּמַאי עָסְקִינַן? אִילֵימָא בְּתַיִּישׁ הַבָּא עַל הַצְּבָיָיה וְיָלְדָה; בְּשִׁלְמָא לְרַבִּי אֱלִיעֶזֶר דְּפָטַר – קָסָבַר: "שֶׂה" וַאֲפִילּוּ מְקֻצָּת שֶׂה – לָא אָמְרִינַן.

The Gemara analyzes the *baraita*: **What** type of *koy* **are we dealing with? If we say** that we are dealing **with a goat who mates with a doe, and she gives birth, granted,** this is consistent **according to** the opinion of **Rabbi Eliezer, who deems** it **exempt** from having gifts of the priesthood given from it. As **he holds** that **we do not say** that the word "**sheep**" (see Deuteronomy 18:3) means that **even** if it is **partially a sheep** one must give gifts of the priesthood from it, as paternity is ignored and this *koy* is considered solely the offspring of a doe, exempting it from having gifts given from it.

אֶלָּא לְרַבָּנַן, נְהִי דְּקָסָבְרִי: "שֶׂה" – וַאֲפִילּוּ מְקֻצָּת שֶׂה, בְּשִׁלְמָא פַּלְגָּא לָא יָהֵיב לֵיהּ, אִידָךְ פַּלְגָּא – לֵימָא לֵיהּ: אַייְתִי רְאָיָיה דְּחוֹשְׁשִׁין לְזֶרַע הָאָב וּשְׁקוֹל!

But according to the opinion of **the Rabbis,** even if it is **granted that they hold** that the word "**sheep**" means that **even** if it is **partially a sheep,** or any other type of domesticated animal, one is obligated to give gifts of the priesthood from it, why should the owner of this *koy* be required to give the gifts to a priest? **Granted, he does not give** the priest **half** of the gifts,[N] since half of the *koy*, i.e., the mother's component, is an undomesticated animal; but with regard to **the other half,** as well, **let him say to** the priest: **Bring proof that one** needs **to be concerned with its paternity and take** that half; otherwise receive nothing.

אֶלָּא, בִּצְבִי הַבָּא עַל הַתְּיָישָׁה וְיָלְדָה; בְּשִׁלְמָא לְרַבָּנַן, מַאי חַיָּיב – בַּחֲצִי מַתָּנוֹת, אֶלָּא לְרַבִּי אֱלִיעֶזֶר – לִיחַיַּיב בְּכוּלְּהֵי מַתָּנוֹת!

Rather, we are dealing **with** the case of **a deer who mates with a female goat and she gives birth. Granted,** this is consistent **according to** the opinion of **the Rabbis,** who say that one is obligated to give gifts of the priesthood from it, as **what** is meant by: **Obligated?** It means: It is obligated **in half of the gifts,** since on its mother's side the goat component is subject to the obligation to give the gifts, but with regard to the other half of the gifts he can tell the priest: Bring proof that one need not be concerned with paternity, and take it. **But according to** the opinion of **Rabbi Eliezer,** who says that one need not be concerned with paternity at all, such that this *koy* would be considered a domesticated animal like its mother, **let** the owner **be obligated in all of the gifts.** Why, then, does Rabbi Eliezer deem him exempt?

לְעוֹלָם בִּצְבִי הַבָּא עַל הַתְּיָישָׁה וְיָלְדָה, וְרַבִּי אֱלִיעֶזֶר נַמִּי סָפוּקֵי מְסַפְּקָא לֵיהּ, אִי חוֹשְׁשִׁין לְזֶרַע הָאָב אוֹ לָא. וְכֵיוָן דְּלַרַבָּנַן מְסַפְּקָא לְהוּ, וּלְרַבִּי אֱלִיעֶזֶר מְסַפְּקָא לֵיהּ, בְּמַאי פְּלִיגִי?

The Gemara answers: **Actually,** it is referring **to a deer who mates with a female goat, and she gives birth, and Rabbi Eliezer is also uncertain whether,** in determining the species of an animal, **one** needs **to be concerned with its paternity or not.** The Gemara asks: **But since** the conclusion is **that the Rabbis are uncertain and Rabbi Eliezer is uncertain, in what** case **do they disagree** where Rabbi Eliezer deems the owner exempt from giving the gifts entirely?

NOTES

The foreleg the jaw and the maw – הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה: There is a positive mitzva for anyone who slaughters a non-sacred kosher animal to give the right foreleg, the jaw, and the maw to a priest, as is stated in the verse: "And this shall be the priests' due from the people, from any who sacrifice an offering, whether it be an ox or a sheep, that they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3), and these are the items called: Gifts of the priesthood, in all such contexts. This mitzva does not apply to undomesticated animals or to birds, and the tenth chapter of this tractate deals with its details.

Granted he does not give the priest half of the gifts – בְּשִׁלְמָא פַּלְגָּא לָא יָהֵיב לֵיהּ: The phraseology here is subject to some dispute (see Rashi). Rabbeinu Gershom Meor HaGola maintains that the text should read: Granted, he does give the priest half of the gifts. He interprets this as meaning: He gives him half, since property of uncertain ownership is divided among the possible owners, but why should he give him the other half?

HALAKHA

The foreleg the jaw and the maw – הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה: The owner of the offspring of a deer and a female goat is obligated to give the priest half of the gifts of the priesthood, as one certainly takes into account the species of the mother, and if an animal has a domesticated animal component it is subject to any mitzva relevant to a domesticated animal. With regard to the other half, the owner can tell the priest: Bring proof that it must be given to you and then you may take it. The owner of the offspring of a goat and a doe is not obligated to give the priest anything, in accordance with the opinion of the Rabbis that it is uncertain whether one must be concerned with paternity and the burden of proof rests upon the claimant (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 61:18).

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בְּ"שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה; רַבָּנַן סָבְרִי: "שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה, וְרַבִּי אֱלִיעֶזֶר סָבַר: "שֶׂה" – וְלֹא מִקְצָת שֶׂה.

They disagree **concerning** whether the word "**sheep**" mentioned in the verses indicates that **even** if it is **partially a sheep,** it is considered a domesticated animal. **The Rabbis hold** that the word "**sheep**" indicates that **even** if it is **partially a sheep** it is considered a domesticated animal, **and Rabbi Eliezer holds** that the word "**sheep**" indicates that it must be descended entirely from sheep or other domesticated animals, **but not partially** descended from **sheep.**

אָמַר רַב פָּפָּא: הִלְכָךְ, לְעִנְיַן כִּסּוּי הַדָּם וּמַתָּנוֹת לָא מַשְׁכַּחַתְּ אֶלָּא בִּצְבִי הַבָּא עַל הַתְּיָישָׁה,

Rav Pappa says: Therefore, the cases relating to a *koy* must be interpreted in accordance with this understanding of the disagreement between Rabbi Eliezer and the Rabbis. **With regard to the matter of covering the blood** of a *koy*, which the mishna indicates is performed due to uncertainty as to whether a *koy* is an undomesticated animal, **and** with regard to **the gifts** of the priesthood,[N] which the Rabbis require to be given from a *koy* as from a domesticated animal, but Rabbi Eliezer does not, **you find** a way to interpret the cases **only** if they are referring **to** a *koy* resulting from **a deer who mates with a female goat.**[N]

דְּבֵין לְרַבָּנַן וּבֵין לְרַבִּי אֱלִיעֶזֶר, מְסַפְּקָא לְהוּ אִי חוֹשְׁשִׁין לְוֶרַע הָאָב אוֹ לָא,

This is so **because,** according to the aforementioned conclusions about their opinions, **both according to** the opinion of **the Rabbis and according to** the opinion of **Rabbi Eliezer it is uncertain whether one** needs **to be concerned with paternity,** and the *koy* is considered partially an undomesticated animal, **or** one need **not** be concerned, and it is considered entirely domesticated.

וְקָא מִיפַּלְגִי בְּ"שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה.

And they disagree as to whether the word "**sheep**" means that **even** if it is **partially a sheep** it is considered a domesticated animal. Therefore, the mishna, which requires one to cover the blood of a *koy* whose father is a deer due to uncertainty, is in accordance with the opinion of the Rabbis, because they, as opposed to Rabbi Eliezer, hold that if an animal has a domesticated component, it is considered a domesticated animal, and with regard to covering the blood if the animal has an undomesticated component, the animal is considered undomesticated. As for the gifts of the priesthood, the Rabbis require half of them to be given from this *koy*, as it has a domesticated component from its mother, while Rabbi Eliezer exempts one from giving them, as he holds that an animal's parents must both be domesticated to qualify the animal as domesticated.

לְעִנְיַן אוֹתוֹ וְאֶת בְּנוֹ מַשְׁכַּחַתְּ לָהּ בֵּין בְּתַיִּישׁ הַבָּא עַל הַצְּבִיָּה, וּבֵין בִּצְבִי הַבָּא עַל הַתְּיָישָׁה;

Rav Pappa continues: **With regard to the matter of** the prohibition against slaughtering an animal **itself and its offspring** on the same day, which the Rabbis hold applies to a *koy* but Rabbi Eliezer does not, **you find** such a case **either with regard to** a *koy* who is the daughter of **a goat who mates with a doe, or with regard to** a *koy* who is the daughter of **a deer who mates with a female goat.**

בְּתַיִּישׁ הַבָּא עַל הַצְּבִיָּה – וּלְאִיסּוּרָא, דְּרַבָּנַן סָבְרִי: דִּילְמָא חוֹשְׁשִׁין לְוֶרַע הָאָב, "שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה אָמְרִינַן, וְאָסוּר.

Rav Pappa explains: The case may be referring **to** a *koy* who is the daughter of **a goat who mates with a doe, and** it relates **to a prohibition,** i.e., whether slaughtering it and its offspring in one day is prohibited *ab initio*, **as the Rabbis hold: Perhaps one** needs **to be concerned with its paternity,** and this *koy* is therefore considered part domesticated, **and we say** that the word "**sheep**" means that **even** if it is **partially a sheep** this prohibition applies, **and** its slaughter on the same day as its daughter is **prohibited** *ab initio*, although one does not receive lashes for it as it is not a definite transgression.

וְרַבִּי אֱלִיעֶזֶר סָבַר: נְהִי נַמִּי דְּחוֹשְׁשִׁין לְוֶרַע הָאָב, "שֶׂה" – וַאֲפִילּוּ מִקְצָת שֶׂה לָא אָמְרִינַן.

And Rabbi Eliezer holds: Though one indeed needs **to be concerned with its paternity,** and this *koy* is considered partially domesticated, **we do not say** that the word "**sheep**" means that **even** if it is **partially a sheep** the prohibition applies. Therefore, its slaughter on the same day as its offspring is permitted.

NOTES

And with regard to the gifts of the priesthood – וּמַתָּנוֹת: This means that the *baraita*, in which the Rabbis hold that a *koy* is subject to the obligation of the gifts of the priesthood, while Rabbi Eliezer holds it is not, can be interpreted only as referring to a *koy* that is the offspring of a deer and a female goat. This is so because in such a case Rabbi Eliezer exempts the *koy* due to uncertainty, as perhaps one must be concerned with paternity, and its father is an undomesticated animal. Since Rabbi Eliezer does not consider an animal that is partially domesticated to be a domesticated animal, it is exempt from gifts being given. By contrast, the Rabbis hold that such a *koy* is subject to the obligation of giving at least half of the gifts. This is because if one need not be concerned with its paternity, it is simply a goat that, as a domesticated animal, is entirely subject to the obligation of the gifts; and even if one needs to be concerned with paternity, this *koy* is still a partially domesticated animal due to its mother, and that half is subject to the obligation of the gifts. In the case of a *koy* that is the offspring of a goat and a doe, if one need not be concerned with paternity, then it is simply a deer that, as an undomesticated animal, is completely exempt from the gifts. Therefore, only if the priest can provide proof that one needs to be concerned with paternity would he receive half of the gifts due to the goat component from the father.

Only if they are referring to a *koy* resulting from a deer who mates with a female goat – אֶלָּא בִּצְבִי הַבָּא עַל הַתְּיָישָׁה: The mishna, which prohibits slaughtering a *koy* on a Festival because its blood must be covered due to uncertainty, is in accordance with the opinion of the Rabbis, and it is discussing a case of a *koy* that is the offspring of a deer and a female goat. The reason for the uncertainty is that perhaps one need not be concerned with paternity, and its blood is exempt from covering because its mother is a goat, which is a domesticated animal; yet, perhaps one must be concerned with paternity, in which case its blood must be covered due to its father being an undomesticated animal. In the case of a *koy* that is the offspring of a goat and a doe, its blood certainly requires covering, since, if one need not be concerned with paternity, it is simply the offspring of a doe. Even if one must be concerned with paternity, and the father of the *koy* is a domesticated animal, it also has an undomesticated animal component from its mother, and the Rabbis hold that even if it is only partially an undomesticated animal, its blood must be covered.

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בִּצְבִי הַבָּא עַל הַתַּיָּישָׁה – וּלְמַלְקוֹת, רַבָּנַן סָבְרִי: נְהֵי נַמִּי דְּחוֹשְׁשִׁין לְוֶלֶד הָאָב, ״שֶׂה״ – וַאֲפִילּוּ מִקְצָת שֶׂה אָמְרִינַן, וּמַלְקִינַן לֵיהּ. וְרַבִּי אֱלִיעֶזֶר סָבַר: אִיסּוּרָא אִיכָּא, מַלְקוֹת לֵיכָּא;

Additionally, the case under dispute may be referring **to** a *koy* who is the daughter of **a deer who mates with a female goat, and** it relates **to** whether slaughtering it and its offspring in one day renders one liable to receive **lashes. The Rabbis hold: Though one indeed** needs **to be concerned with its paternity,** and this *koy* is considered partially undomesticated, **we say** that the word **"sheep"** means that the prohibition applies **even** if it is **partially a sheep,** such as this *koy*, **and** one who slaughters it and its offspring on one day **is flogged. And Rabbi Eliezer holds: There is a prohibition** against slaughtering this *koy* and its offspring on the same day, but if one slaughtered them **there are no lashes.**

אִיסּוּרָא אִיכָּא – דִּלְמָא אֵין חוֹשְׁשִׁין לְוֶלֶד הָאָב, וְהַאי שֶׂה מְעַלְּיָא הוּא; מַלְקוֹת לֵיכָּא – דִּלְמָא חוֹשְׁשִׁין לְוֶלֶד הָאָב.

The Gemara explains: **There is a prohibition** in the case of this *koy* that is itself a mother, since **perhaps one** need **not be concerned with its paternity, and** therefore **this** *koy* **is a full-fledged sheep,** like its mother. Due to uncertainty, **there are no lashes**[N] for violating the prohibition because **perhaps one** needs **to be concerned with its paternity,** in which case this *koy* is only a partial sheep.

וְ״שֶׂה״ – וַאֲפִילּוּ מִקְצָת שֶׂה לָא אָמְרִינַן.

And according to Rabbi Eliezer, **we do not say** that the word **"sheep"** means that **even** if it is **partially a sheep** it is subject to the prohibition. Therefore, one is not flogged for slaughtering this *koy* on the same day as its offspring, as lashes are administered only when the witnesses give the transgressor a definite forewarning against violating the prohibition. Since the prohibition in this case is uncertain, any forewarning would be uncertain.

אָמַר רַב יְהוּדָה: כּוֹי – בְּרִיָּה בִּפְנֵי עַצְמָהּ הִיא, וְלֹא הִכְרִיעוּ בָּהּ חֲכָמִים אִם מִין בְּהֵמָה הִיא אִם מִין חַיָּה הִיא. רַב נַחְמָן אָמַר: כּוֹי – זֶה אֵיל הַבָּר.

§ Until this point, the Gemara considered the *koy* to be the result of interbreeding a deer and a goat. The Gemara now cites other opinions as to its identity: **Rav Yehuda says: A *koy***[H] **is a distinct entity, and the Sages did not determine whether it is a species of domesticated animal or a species of undomesticated animal. Rav Naḥman says:** The ***koy* is the wild ram.**[B]

כְּתַנָּאֵי: כּוֹי – זֶה אֵיל הַבָּר. וְיֵשׁ אוֹמְרִים: זֶה הַבָּא מִן הַתַּיִּישׁ וּמִן הַצְּבִיָּה. רַבִּי יוֹסֵי אוֹמֵר: כּוֹי – בְּרִיָּה בִּפְנֵי עַצְמָהּ הִיא, וְלֹא הִכְרִיעוּ בָּהּ חֲכָמִים אִם מִין חַיָּה אִם מִין בְּהֵמָה. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: מִין בְּהֵמָה הִיא, וְשֶׁל בֵּית דּוּשַׁאי הָיוּ מְגַדְּלִין מֵהֶן עֲדָרִים עֲדָרִים.

The Gemara notes that this dispute is **like** a dispute between ***tanna'im*** cited in a *baraita*: The ***koy* is the wild ram,**[N] **and there are** those **who say:** It is **that which results from** the mating of **a goat with a doe. Rabbi Yosei says: A *koy* is a distinct entity, and the Sages did not determine whether** it is **a species of undomesticated animal or a species of domesticated animal. Rabban Shimon ben Gamliel says: It is a species of domesticated animal, and** the members **of the house of Dushai would raise flocks** and **flocks of them,** as with other domesticated animals.

אָמַר רַבִּי זֵירָא אָמַר רַב סָפְרָא אָמַר רַב הַמְנוּנָא: הָנֵי עִזֵּי דְּבָאלָא כְּשֵׁרוֹת לְגַבֵּי מִזְבֵּחַ. סָבַר לָהּ כִּי הָא דְּאָמַר רַבִּי יִצְחָק: עֶשֶׂר בְּהֵמוֹת מָנָה הַכָּתוּב וְתוּ לָא.

§ The Gemara cites a statement with regard to goats: **Rabbi Zeira says** that **Rav Safra says** that **Rav Hamnuna says** that **these forest goats,**[HB] i.e., wild goats, **are fit** to be sacrificed **on the altar,** as they are considered a type of goat. The Gemara comments that Rav Hamnuna **holds in accordance with that which Rabbi Yitzḥak says: The verse lists ten** kosher **animals,**[H] **and no more.** He is referring to the verses: "These are the animals that you may eat: An ox, a *seh* of sheep, and a *seh* of goats, a deer, and a gazelle, and a fallow deer, and a wild goat, and an oryx, and an aurochs, and a wild sheep" (Deuteronomy 14:4–5). The first three are domesticated animals, while the other seven are undomesticated animals.

NOTES

There are no lashes, etc. – מַלְקוֹת לֵיכָּא וכו׳: Rashi explains that the reason one does not incur lashes here is because it is a case of an uncertain forewarning. The later commentaries question why Rashi felt compelled to explain that lashes are not incurred due to an uncertain forewarning, as the *halakha* of whether it is permitted to slaughter the *koy* and its offspring on one day is uncertain, regardless of the forewarning, and it would therefore not render the transgressor liable to receive lashes. Some explain that Rashi holds that an uncertain prohibition is still prohibited by Torah law, and one would therefore incur lashes if not for the lack of a valid forewarning (Ri Ḥaver; see *Ḥatam Sofer* and Rashash).

The *koy* is the wild ram – כּוֹי זֶה אֵיל הַבָּר: *Tosafot* explain that according to this opinion the *koy* is entirely an undomesticated animal, and its blood must be covered even on a Festival. According to this explanation, three different opinions about the *koy* are expressed in this *baraita*. The first *tanna* holds that it is entirely an undomesticated animal, Rabban Shimon ben Gamliel holds that it is entirely a domesticated animal, and Rabbi Yosei holds that it is a distinct entity, neither domesticated nor undomesticated. Other commentaries maintain that Rav Naḥman's statement, as that of the first *tanna* in the *baraita*, does not relate to the status of the *koy* as domesticated or not, but simply identifies it as a specific animal known as the wild ram. If so, he would hold that this animal has an unknown status (*Lev Arye*).

HALAKHA

***Koy* – כּוֹי:** A *koy*, to which the Sages assigned the stringencies of both a domesticated animal and an undomesticated animal, is the result of interbreeding between a kosher domesticated animal and a kosher undomesticated animal, in accordance with the opinion of Rav Ḥisda (*Maggid Mishne*). In addition, any animal about which there is uncertainty whether it is domesticated or undomesticated has the same halakhic status (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:13 and *Sefer Zera'im*, *Hilkhot Bikkurim* 10:7; *Shulḥan Arukh*, *Yoreh De'a* 28:3, 64:1, and 80:6).

Forest goats – עִזֵּי דְּבָאלָא: The majority of the early commentaries hold that the wild goat is a species of domesticated animal, in accordance with the opinion of Rav Hamnuna. There are later commentaries who rule that in practice one must also observe the stringencies applying to undomesticated animals due to uncertainty (see *Shulḥan Arukh*, *Yoreh De'a* 80 and *Darkhei Teshuva* there).

The verse lists ten kosher animals – עֶשֶׂר בְּהֵמוֹת מָנָה הַכָּתוּב: Out of all the domesticated and undomesticated animals in the world, only the ten species listed in the Torah are permitted for consumption. Of those ten, there are three species of domesticated animals: The ox, the sheep, and the goat; and there are seven species of undomesticated animals: The deer, the gazelle, the fallow deer, the wild goat, the oryx, the aurochs, and the wild sheep. This ruling is in accordance with the statement of Rabbi Yitzḥak (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:8).

BACKGROUND

Wild ram – אֵיל הַבָּר: The wild ram is assumed to be the mouflon, whose scientific name is *Ovis orientalis*, and which, according to many scientific theories, is an ancestor of modern domesticated sheep. The mouflon differs from most types of sheep in having rather short hair, except for locks of long hair on the chest of the male. It lives in mountainous areas, mainly in isolated regions in Europe nowadays, and is an adept mountain climber. It is likely that the mouflon's similarity to domesticated sheep together with its clearly undomesticated status gave rise to the uncertainty about its status, similar to the situation with regard to the status of the wild ox.

Forest goats – עִזֵּי דְּבָאלָא: It is possible that the animal referred to is the wild goat, whose scientific name is *Capra aegagrus*, and is considered the ancestor of the domesticated goat. Its average length is 130 cm, with a height of about 1 m. The male has long backward-curving horns, and the female has short horns. The wild goat climbs rocky cliffs as well as trees.

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וְהָנֵי, מִדְּלָא קָחָשִׁיב לְהוּ בַּהֲדֵי חַיּוֹת, שְׁמַע מִינַּהּ: דְּעֵז נִינְהוּ. מַתְקִיף לָהּ רַב אַחָא בַּר יַעֲקֹב, וְאֵימָא: ״אַיָּל וּצְבִי״ – פְּרָט, ״כָּל בְּהֵמָה״ – כְּלָל,

And with regard to **these** forest goats, **since they are not reckoned among the undomesticated animals, learn from it** that **they are** a type **of goat,** as they are also called goats and have a goat-like appearance. **Rav Aḥa bar Yaakov objects to this:** Perhaps wild goats are a different species of undomesticated animal not explicitly mentioned in the verse, as the next verse provides a more general description, **and I will say** that the verse: **"A deer and a gazelle,** etc.," is a list of undomesticated animals, each of which is a specific **detail.** The next verse: "And **any animal,"** is **a generalization.**

פְּרָט וּכְלָל – נַעֲשֶׂה כְּלָל מוּסָף עַל הַפְּרָט, אִיכָּא טוּבָא!

According to the principles for explicating verses, when there is **a detail and** then **a generalization,** the **generalization was made to expand beyond the detail.** Therefore, **there are more** species of kosher undomesticated animals than the verse lists, one of which may be forest goats.

אִם כֵּן, כָּל הָנֵי פְּרָטֵי לָמָּה לִי? מַתְקִיף לָהּ רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: וְדִלְמָא מִינָא דְּאַקּוֹ נִינְהוּ?

The Gemara responds: **If so, why do I** need **all of these details?** The mention of a single undomesticated animal and then the generalization should suffice for applying the principle of: A detail and a generalization. Rather, these are the only kosher undomesticated animals, and the forest goat must therefore be a type of domesticated goat. **Rav Aḥa, son of Rav Ika, objects to this: But** even if forest goats are not a different type of undomesticated animal from those mentioned in the verse, **perhaps they are a type of wild goat,**[B] one of the undomesticated animals mentioned in the verse, rather than a type of domesticated goat.

אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי, וְאָמְרִי לָהּ רַב אַחָא בְּרֵיהּ דְּרַב אָוִיָא לְרַב אַשִׁי: דִּלְמָא מִינָא דְּתְאוֹ, אוֹ מִינָא דְּזֶמֶר נִינְהוּ? אֲמַר לֵיהּ רַב חָנָן לְרַב אַשִׁי: אַמֵּימָר שָׁרֵי תַּרְבַּיְיהוּ.

With regard to this topic, **Rav Aḥa, son of Rava, said to Rav Ashi, and some say** it was **Rav Aḥa, son of Rav Avya,** who said **to Rav Ashi: Perhaps they are a type of aurochs** [*te'o*],[B] **or a type of wild sheep,**[B] which are also undomesticated animals. **Rav Ḥanan said to Rav Ashi:** Differing from Rav Hamnuna's opinion, **Ameimar deems** the consumption of **their fat permitted,** which is prohibited with regard to domesticated animals, indicating that he considers forest goats a species of undomesticated animal.

בְּעָא מִינֵּיהּ אַבָּא בְּרֵיהּ דְּרַב מִנְיָמִין בַּר חִייָא מֵרַב הוּנָא בַּר חִייָא: הָנֵי עִזֵּי דְּבָאלָא, מַהוּ לְגַבֵּי מִזְבֵּחַ? אֲמַר לֵיהּ: עַד כָּאן לָא פְּלִיגִי רַבִּי יוֹסֵי וְרַבָּנַן אֶלָּא בְּשׁוֹר הַבָּר,

Abba, son of Rav Minyamin bar Ḥiyya, inquired of Rav Huna bar Ḥiyya: What is the *halakha* **with regard to** offering **these forest goats** [*izei devala*] **on the altar?** Are they domesticated animals that may be sacrificed? Rav Huna bar Ḥiyya **said to him: Rabbi Yosei and the Rabbis disagree only with regard to the wild ox.**[H]

דְּתָנַן: שׁוֹר הַבָּר מִן בְּהֵמָה הוּא, רַבִּי יוֹסֵי אוֹמֵר: מִין חַיָּה; דְּרַבָּנַן סָבְרִי: מִדִּמְתַרְגְּמִינַן ״תּוֹרְבָּלָא״ – מִינָא דִּבְהֵמָה הוּא, וְרַבִּי יוֹסֵי סָבַר: מִדְּקָא חָשִׁיב לֵיהּ בַּהֲדֵי חַיּוֹת – מִינָא דְּחַיָּה הוּא; אֲבָל הָנֵי – דִּבְרֵי הַכֹּל מִינָא דְּעֵז נִינְהוּ.

As we learned in a mishna (*Kilayim* 8:6): **The wild ox is a species of domesticated animal. Rabbi Yosei says:** It is **a species of undomesticated animal. As the Rabbis hold** that **from** the fact **that** "aurochs" (Deuteronomy 14:5) **is translated** into Aramaic as: **Forest ox** [*turbala*],[BL] it can be understood that the wild ox **is a species of domesticated animal, and Rabbi Yosei holds: From** the fact **that it is reckoned among the undomesticated animals,** it can be derived that **it is a species of undomesticated animal.**[N] **But** with regard to **these** forest goats, which are not reckoned among the undomesticated animals, **all agree** that **they are a type of goat** and are fit to be sacrificed upon the altar.

BACKGROUND

Wild goat – אַקּוֹ: Some commentaries identify this biblical animal with the Nubian ibex, whose scientific name is *Capra ibex nubiana*. The Nubian ibex has a body and feet adapted to climbing in the desert, with legs that are short and sturdy with tough hooves. The male has long curving horns while the female has much shorter horns.

Aurochs [*te'o*] – תְּאוֹ: Although this word is sometimes translated as antelope, it may not actually refer to an antelope or to the animal nowadays called *te'o* in Hebrew, the buffalo. Some identify the biblical *te'o* as the aurochs, an extinct species of large wild cattle whose scientific name is *Bos primigenius*. That animal was approximately 3 m in length, with a height of almost 2 m. It was black and known for its great strength. Another suggestion as to the identity of the biblical *te'o* is the European bison, whose scientific name is *Bison bonasus*.



Ancient Greek depiction of an aurochs

Wild sheep – זֶמֶר: Although this animal is often identified as the wild sheep, its identity is not at all clear. In the Septuagint this Hebrew word is translated as spotted camel. Rav Se'adya Gaon identifies this biblical animal as the giraffe, whose scientific name is *Giraffa camelopardalis*, which refers to its camel-like appearance and the patches of color on its fur. The giraffe has all of the characteristics of a kosher animal, though it is different in form from other ruminants. It was brought to Egypt during the third millennium BCE, and it appears in several pictures that depict bringing gifts and paying taxes.

Wild ox…forest ox – שׁוֹר הַבָּר…תּוֹרְבָּלָא: Some commentaries state, in accordance with the opinion of Rav Se'adya Gaon, that the wild ox is the water buffalo, *Bubalus bubalis,* which is called *te'o* in modern Hebrew. This animal differs from common cattle in its strength, size, dark color, and the structure of its horns. It also spends long periods of time in the water because of its lack of sweat glands. It derives originally from East Asia, where it was domesticated as a work animal. Though the water buffalo is quiet and pleasant toward its caretakers, it can be very dangerous to strangers. Others have cast doubt on this identification, since the water buffalo apparently only arrived in Eretz Yisrael fairly late, perhaps even in the Middle Ages. Some suggest instead that the wild ox is the aurochs, an extinct species of large wild oxen held to be the ancestor of domesticated cattle.

The Sages themselves disagree with regard to the identity and status of the wild ox. Some simply consider it a feral strain of domesticated cattle (see Jerusalem Talmud, *Kilayim* 8:4), while others consider it a distinct species identical to the wild *te'o* mentioned in the Torah.

HALAKHA

The wild ox – שׁוֹר הַבָּר: The wild ox is considered a domesticated animal, in accordance with the opinion of the first *tanna*, who disagrees with Rabbi Yosei. Some authorities identify the wild ox as the water buffalo, while others hold that the water buffalo is simply a type of domesticated cattle; according to both opinions, the water buffalo is treated halakhically as a domesticated animal. Others suspect that that the water buffalo could be an undomesticated animal, and they require covering its blood without reciting a blessing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:8; *Shulḥan Arukh*, *Yoreh De'a* 80:3, 28:4, and in the comment of Rema).

LANGUAGE

Forest goats [*izei devala*]…forest ox [*turbala*] – עִזֵּי דְּבָאלָא…תּוֹרְבָּלָא: According to Rashi, the linguistic element *bala*, or *bela*, means a forest, i.e., an area beyond the inhabited regions. One suggestion is that *bala* is derived from *bara*, which means: Outside or field, via the familiar substitution of the letter *lamed* for the letter *reish*. Similarly the *ge'onim* write that it refers to areas of fields or wilderness, and it is used in this manner in Mandaic, as well. Forest goats are, therefore, wild goats. In fact, some have a version of the text of the Gemara in which these animals are simply called wild goats (*Arukh*).

NOTES

From the fact that it is reckoned among the undomesticated animals it can be derived that it is a species of undomesticated animal – מִדְּקָא חָשִׁיב לֵיהּ בַּהֲדֵי חַיּוֹת מִינָא דְּחַיָּה הוּא: In the Jerusalem Talmud (*Kilayim* 8:4) and in the *Tosefta* (*Kilayim* 1:9) it is explained that the Rabbis agree that the aurochs [*te'o*] mentioned in the verse (Deuteronomy 14:5) is actually an undomesticated animal. But as opposed to Rabbi Yosei, who assumes that it is the wild ox, the Rabbis identify the wild ox as a domesticated animal that is different from the aurochs. It is possible that the Rambam, who ruled against Rabbi Yosei even though the *amora'im* in this discussion appear to support his opinion, based his opinion upon these sources (see *Beur HaGra* to *Shulḥan Arukh*, *Yoreh De'a* 80:2).

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מַתְקִיף לָהּ רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: וְדִלְמָא מִינָא דְּאַקּוֹ נִינְהוּ! אֲמַר לֵיהּ רָבִינָא לְרַב אַשִׁי: וְדִלְמָא מִינָא דְּתָאוֹ, אוֹ מִינָא דְּזֶמֶר נִינְהוּ? אֲמַר לֵיהּ רַב נַחְמָן לְרַב אַשִׁי: אַמֵּימָר שָׁרֵי תַּרְבֵּיהוּ.

Rav Aḥa, son of Rav Ika, objects to this: But perhaps they are a type of wild goat. Similarly, **Ravina said to Rav Ashi: But perhaps they are a type of aurochs, or a type of wild sheep.** Additionally, **Rav Naḥman said to Rav Ashi: Ameimar deems** the consumption of **their fat permitted,** which is prohibited with regard to domesticated animals, as he considers them undomesticated animals.

"כֵּיצַד הַשּׁוֹחֵט" וכו'. אָמַר רַבִּי אוֹשַׁעְיָא: כּוּלָּהּ מַתְנִיתִין דְּלָא כְּרַבִּי שִׁמְעוֹן. מְנָלַן? מִדְּקָא תָּנֵי: קָדָשִׁים בַּחוּץ – הָרִאשׁוֹן חַיָּיב כָּרֵת, וּשְׁנֵיהֶם פְּסוּלִים, וּשְׁנֵיהֶם סוֹפְגִים אֶת הָאַרְבָּעִים. מִכְּדֵי שָׁמְעִינַן לֵיהּ לְרַבִּי שִׁמְעוֹן דְּאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה – לָא שְׁמָהּ שְׁחִיטָה,

§ The mishna teaches: **How so? One who slaughters** an animal itself and its offspring, etc. **Rabbi Oshaya says: The entire mishna is not in accordance with** the opinion of **Rabbi Shimon. From where** is this derived? It is derived **from that** which the mishna **teaches:** If both animals were **sacrificial** animals slaughtered **outside** the Temple courtyard, **then** for slaughtering **the first** animal, **one is liable** to receive ***karet*. And both** animals **are disqualified** for use as offerings, **and** for the slaughter of **both of them, one incurs forty** lashes. **Since we have heard that Rabbi Shimon says:** An act of **slaughter that is unfit**[H] to permit consumption of the meat **is not considered** to have the halakhic status of an act of **slaughter.**[N]

NOTES

An act of slaughter that is unfit to permit consumption is not considered an act of slaughter – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה: This means that an act of slaughter that does not render the meat of the animal permitted for consumption is not considered an act of slaughter, and no obligation or prohibition created by an act of slaughter applies to the animal (Rashi on *Kiddushin* 58a). Rabbi Shimon's opinion is relevant to a number of *halakhot*, including covering the blood of a slaughtered undomesticated animal or bird (see 85a) and payment of four or five times the value of the animal if it was stolen and slaughtered (see *Bava Kamma* 70a). Further on (85a–b), the Gemara explains that Rabbi Shimon derives his opinion from the verse: "And slaughter and prepare the meat, for the men shall dine with me" (Genesis 43:16), which indicates that slaughtering meat is defined as an act that serves to prepare it for consumption.

HALAKHA

An act of slaughter that is unfit – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה: An act of slaughter that does not serve to permit the meat for consumption is nevertheless considered an act of slaughter with regard to the prohibition of: Itself and its offspring, in accordance with the opinion of the Rabbis in the mishna (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:6).

Perek **V**
Daf **80** Amud **b**

קָמָא מִיקַּטַּל קַטְלֵיהּ, שֵׁנִי – מִתְקַבֵּל בְּפָנִים הוּא, כָּרֵת נַמִּי לִיחַיַּיב!

Therefore, when one slaughters a mother and its offspring that are both sacrificial animals outside the Temple courtyard, with regard to **the first,** it is as if **he has** simply **killed it** without ritual slaughter, since being slaughtered outside the Temple courtyard renders it unfit. Accordingly, **the second** would have been fit to be **accepted within** the Temple, and there would have been no prohibition against slaughtering it on that day. If so, when he slaughtered it outside the courtyard, why is he liable only to receive lashes? **Let him also be liable** to receive ***karet*.**

חוּלִּין בְּפָנִים – שְׁנֵיהֶם פְּסוּלִין, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים; מִכְּדֵי שָׁמְעִינַן לֵיהּ לְרַבִּי שִׁמְעוֹן דְּאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה, קָמָא – מִיקַּטַּל קַטְלֵיהּ, שֵׁנִי אַמַּאי סוֹפֵג אֶת הָאַרְבָּעִים?

Likewise, the same question may be asked with regard to what is taught in the mishna: If both animals were **non-sacred** and they were slaughtered **inside** the Temple courtyard, **both of them are unfit** for sacrifice. **And** for the slaughter of **the second** animal, **one incurs the forty** lashes. **Since we have heard that Rabbi Shimon says:** An act of **slaughter that is unfit is not considered** to have the halakhic status of an act of **slaughter,** with regard to **the first** animal, it is as if **he has** simply **killed it** without ritual slaughter, since a non-sacred animal slaughtered in the Temple courtyard is rendered unfit, as deriving benefit from it is prohibited. If so, **why,** for the slaughter of **the second** animal, **does one incur the forty** lashes?

קָדָשִׁים בְּפָנִים – הָרִאשׁוֹן כָּשֵׁר וּפָטוּר, וְהַשֵּׁנִי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל;

Similarly, the mishna teaches: If both animals were **sacrificial** animals slaughtered **inside** the Temple courtyard, **the first is fit** for sacrifice, **and** one who slaughters it is **exempt** from any punishment. **But** for the slaughter of **the second** animal, **one incurs the forty** lashes for the slaughter of an animal and its offspring on a single day, **and** it is **unfit** for sacrifice.

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BACKGROUND

Sprinkled the blood – זָרִיק דָּם: This term refers to the presentation of sacrificial blood on the altar, which is one of the four sacrificial rites performed for the sacrifice of every animal offering in the Temple. The manner in which the blood was presented on the altar varied according to the nature of the particular offering, but the presenting of the blood was always the essential element necessary for an offering to effect atonement. Accordingly, as soon as the blood was presented as required on the altar, the one who brought the offering achieved atonement, even if the later sacrificial rites connected with the offering were not completed in the required manner.

מִכְּדֵי שָׁמְעִינַן לֵיהּ לְרַבִּי שִׁמְעוֹן דְּאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה, שְׁחִיטַת קָדָשִׁים נַמִּי שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה הִיא, דְּכַמָּה דְּלָא זָרִיק דָּם – לָא מִישְׁתְּרֵי בָּשָׂר, שֵׁנִי אַמַּאי סוֹפֵג אֶת הָאַרְבָּעִים וּפָסוּל? אֶלָּא, שְׁמַע מִינָּהּ דְּלָא כְּרַבִּי שִׁמְעוֹן.

Since we have heard that Rabbi Shimon says: An act of **slaughter that is unfit** to permit consumption of the animal **is not considered** to have the halakhic status of an act of **slaughter.** One can then raise the question: An act of **slaughter of sacrificial** animals **is also** considered an act of **slaughter that is unfit, because as long as one has not sprinkled the blood,**[B] the **meat is not permitted** to be burned on the altar or eaten. Since slaughtering the first animal is not considered slaughtering, **why,** for slaughtering the **second** animal, **does one incur the forty** lashes for slaughtering an animal and its offspring on a single day, **and** why is it **unfit? Rather, conclude from** this analysis **that** the mishna **is not in accordance with** the opinion of **Rabbi Shimon.**

פְּשִׁיטָא דְּהָכִי אִיתָּא! שְׁחִיטַת קָדָשִׁים אִיצְטְרִיכָא לֵיהּ; סָלְקָא דַּעְתָּךְ אָמְרִינָא: שְׁחִיטַת קָדָשִׁים – שְׁחִיטָה רְאוּיָה הִיא, דְּהָא אִי נָחַר וְזָרִיק דָּם – לָא מִישְׁתְּרֵי בָּשָׂר, וְכִי שָׁחַט – מִישְׁתְּרֵי בָּשָׂר, וּשְׁחִיטָה רְאוּיָה הִיא, קָא מַשְׁמַע לָן.

The Gemara asks: Isn't it **obvious that this is so?** There is no need for this long analysis. The Gemara answers: It **was necessary for** Rabbi Oshaya to mention that the mishna is not in accordance with the opinion of Rabbi Shimon due to the case of **slaughtering** an animal and its offspring that are **sacrificial** animals inside the Temple courtyard. This is because it may **enter your mind to say** that **slaughtering sacrificial** animals **is** considered an act of **slaughtering** that is **fit, because if he stabbed** the animal to death **and sprinkled** its **blood, the meat is not permitted, but if he slaughtered** it, **the meat is permitted and it is** considered **slaughtering** that is **fit** according to Rabbi Shimon. Therefore, he **teaches us** that it is not fit.

וְלִילְקֵי נַמִּי מִשּׁוּם לָאו דְּמֻחְוֹסַּר זְמַן, דְּתַנְיָא: מִנַּיִן לְכָל הַפְּסוּלִין שֶׁבְּשׁוֹר וְשֶׁבְּשֶׂה שֶׁהוּא בְּ"לֹא יֵרָצֶה"?

§ With regard to the ruling that one who slaughters an animal and its offspring that are sacrificial animals inside the Temple courtyard receives lashes for violating the prohibition of: Itself and its offspring, when slaughtering the second animal, the Gemara suggests: **And let him be flogged also for** violating **the prohibition against** sacrificing an animal **whose time has not yet** arrived,[N] since it is forbidden to sacrifice it until the next day. **As it is taught** in a *baraita*: **From where** is it derived **with regard to all of the disqualifications of the bull,** i.e., any feature that disqualifies cattle brought as offerings, **and of the lamb,** i.e., sheep brought as offerings, **that** if one consecrates, slaughters, or burns on the altar an animal so disqualified, **he** violates the prohibition **of: It shall not be accepted,** and is flogged?

תַּלְמוּד לוֹמַר: "וְשׁוֹר וָשֶׂה שָׂרוּעַ וְקָלוּט" וגו' – לִימֵּד עַל הַפְּסוּלִין שֶׁבְּשׁוֹר וְשֶׁבְּשֶׂה שֶׁהוּא בְּ"לֹא יֵרָצֶה"!

It is derived from the fact that, in the middle of the passage prohibiting blemished animals from being sacrificed upon the altar, **the verse states: "Either a bull or a lamb that has anything too long or too short…** but for a vow it shall not be accepted" (Leviticus 22:23). Since this passage is already discussing a bull and lamb, it is unnecessary to mention them. Rather, this verse **taught about** all of **the disqualifications of the bull and of the lamb,** including that of an animal whose time has not yet arrived, **that** if one offers an animal with one of those disqualifications, **he** violates the prohibition **of: It shall not be accepted.**

כִּי קָא חָשֵׁיב – לָאוֵי דְּאוֹתוֹ וְאֶת בְּנוֹ, לָאוֵי נוּכְרָאֵי – לָא קָא חָשֵׁיב.

The Gemara answers: He receives lashes for violating that prohibition as well, but **when** the mishna **lists** the prohibitions violated by the actions described, it lists only **prohibitions** related to the prohibition **of: Itself and its offspring,** but **it does not list unrelated prohibitions.**

NOTES

The prohibition against sacrificing an animal whose time has not yet arrived – לָאו דְּמֻחְוֹסַּר זְמַן: The prohibition against sacrificing an animal whose time has not yet arrived is stated in the verse: "When a bull, or a sheep, or a goat is born, then it shall be seven days with its mother; but from the eighth day and forward it may be accepted for an offering made by fire to the Lord" (Leviticus 22:27), which teaches that before the eighth day it is not accepted as an offering in the Temple. Immediately afterward it is stated: "And whether it be a bull or a sheep, you shall not slaughter it and its offspring both in one day" (Leviticus 22:28), from which the Sages derived in *Torat Kohanim* that one who violates this prohibition is also subject to the injunction: "It may be accepted for an offering," from the previous verse. Therefore, one who slaughters an animal and its offspring that are sacrificial animals on the same day has also violated a prohibition stemming from the positive mitzva of: "It may be accepted for an offering."

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וְלָא? וְהָא קָדָשִׁים בַּחוּץ, דְּלָאוֵי נוֹכְרָאֵי נִינְהוּ, וְקָא חָשֵׁיב! דְּקָתָנֵי: קָדָשִׁים בַּחוּץ, הָרִאשׁוֹן – חַיָּיב כָּרֵת, וּשְׁנֵיהֶם סוֹפְגִין אֶת הָאַרְבָּעִים;

The Gemara asks: **And** does the mishna **not** list unrelated prohibitions? **But** there are prohibitions with regard to **sacrificial** animals slaughtered **outside** the Temple courtyard, **which are unrelated prohibitions, and it lists them. As it teaches:** If both animals were **sacrificial** animals slaughtered **outside** the Temple courtyard, **then** for slaughtering **the first** animal, **one is liable** to receive ***karet*.** And both animals are disqualified for use as offerings, **and** for the slaughter of **both of them one incurs forty** lashes apiece.

בִּשְׁלָמָא שֵׁנִי – מִשּׁוּם לָאו דְּאוֹתוֹ וְאֶת בְּנוֹ, אֶלָּא רִאשׁוֹן אַמַּאי סוֹפֵג – לָאו מִשּׁוּם לָאו דִּשְׁחוּטֵי חוּץ?

Granted, with regard to the **second** animal one is flogged **due to the prohibition of: Itself and its offspring. But** with regard to the **first** animal, **why does he incur** the forty lashes? **Isn't it due to the prohibition of** consecrated animals **slaughtered outside** the Temple courtyard? Therefore, with regard to the case of sacrificial animals slaughtered inside the Temple courtyard, the mishna should also have mentioned the unrelated prohibition of: It shall not be accepted.

כָּל הֵיכָא דְּלֵיכָּא לָאו דְּאוֹתוֹ וְאֶת בְּנוֹ – חָשֵׁיב לָאוֵי נוֹכְרָאֵי, וְכָל הֵיכָא דְּאִיכָּא לָאו דְּאוֹתוֹ וְאֶת בְּנוֹ – לָא חָשֵׁיב לָאוֵי נוֹכְרָאֵי.

The Gemara answers: **Wherever there is no** violation of **the prohibition of: Itself and its offspring,** for slaughtering an animal, the mishna **lists unrelated prohibitions, but wherever there is** a violation of **the prohibition of: Itself and its offspring,** the mishna **does not list unrelated prohibitions,** but only the prohibition of: Itself and its offspring.

רַבִּי זֵירָא אָמַר: הַנַּח לְמָחוּסַר זְמַן, דְּהַכָּתוּב

Rabbi Zeira said: Leave the prohibition against sacrificing an animal **whose time has not yet** arrived, **as the verse**

Perek **V**
Daf **81** Amud **a**

נִתְקוֹ לַעֲשֵׂה, מַאי טַעְמָא? דְּאָמַר קְרָא: ״מִיּוֹם הַשְּׁמִינִי וָהָלְאָה יֵרָצֶה״, מִיּוֹם הַשְּׁמִינִי – אִין, מֵעִיקָּרָא – לָא, לָאו הַבָּא מִכְּלַל עֲשֵׂה – עֲשֵׂה.

transmuted it from the standard prohibition of: It shall not be accepted, which is violated in the case of the other disqualifications, **into** a prohibition that stems from **a positive mitzva. What is the reasoning** by which this is derived? It is derived from that **which the verse states: "From the eighth day and forward it may be accepted** for an offering" (Leviticus 22:27), which teaches that **from the eighth day** after its birth, **yes,** it may be sacrificed as an offering, but **initially,** before the eighth day, **no,** it may not be sacrificed. Therefore, this is **a prohibition that stems from a positive mitzva,**[B] which is not considered a negative prohibition for which one is flogged, but rather **a positive mitzva.**

וְהָא מִיבָּעְיָא לֵיהּ לְכִדְרַבִּי אַפְּטוֹרִיקִי! דְּרַבִּי אַפְּטוֹרִיקִי רָמֵי, כְּתִיב: ״וְהָיָה שִׁבְעַת יָמִים תַּחַת אִמּוֹ״ – הָא לַיְלָה חֲזִי, וּכְתִיב: ״מִיּוֹם הַשְּׁמִינִי וָהָלְאָה יֵרָצֶה״, מִיּוֹם הַשְּׁמִינִי וָהָלְאָה – אִין, לַיְלָה – לָא;

The Gemara asks: **But this** verse **is required for** the statement **of Rabbi Aptoriki,**[L] **as Rabbi Aptoriki raises a contradiction: It is written: "Then it shall be seven days with its mother"** (Leviticus 22:27), indicating that on **the night** after the seventh day it is already **fit** to be sacrificed. **But it is** also **written** in that verse: **"From the eighth day and forward it may be accepted,"** indicating that **from the eighth day forward, yes,** it is fit, but on **the night** before it is **not.**

הָא כֵּיצַד? לַיְלָה – לְקִדּוּשָׁה, יוֹם – לְהַרְצָאָה! כְּתִיב קְרָא אַחֲרִינָא: ״כֵּן תַּעֲשֶׂה לְשׁוֹרְךָ לְצֹאנֶךָ״.

How can **these** texts be reconciled? **The night** after the seventh day is fit **for consecration,** which is permitted at that time, while **the** eighth **day** is fit **for effecting acceptance,** and only then may it be sacrificed on the altar. The Gemara answers that **another verse is** also **written** that specifies this positive mitzva: **"So shall you do with your ox and with your sheep;** seven days shall it be with its mother; on the eighth day you shall give it to Me" (Exodus 22:29).

BACKGROUND

Prohibition that stems from a positive mitzva – לָאו הַבָּא מִכְּלַל עֲשֵׂה: This is an implicit Torah prohibition that the Torah itself does not mention explicitly, but rather is derived from a positive mitzva. For example, the Torah states with regard to the Paschal offering (Exodus 12:8): "And they shall eat the meat during that night." This positive statement is interpreted by the Sages as a prohibition against eating the Paschal offering during the day (*Pesaḥim* 41b). Since it is derived from a positive mitzva, a violation of this prohibition is considered like the violation of a positive mitzva. Accordingly, a court will not administer any punishment for such a violation.

LANGUAGE

Aptoriki – אַפְּטוֹרִיקִי: Apparently from the Latin word patricus, which signifies a nobleman or one with aristocratic ancestry.

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אָמַר רַב הַמְנוּנָא: אוֹמֵר הָיָה רַבִּי שִׁמְעוֹן, אֵין אוֹתוֹ וְאֶת בְּנוֹ נוֹהֲגִ בְּקָדָשִׁים, מַאי טַעְמָא? כֵּיוָן דְּאָמַר רַבִּי שִׁמְעוֹן: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה – שְׁחִיטַת קָדָשִׁים נַמִי שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה הִיא.

§ The Gemara returns to discussing Rabbi Shimon's opinion with regard to slaughtering an animal and its offspring on the same day. **Rav Hamnuna says** that **Rabbi Shimon would say:** The prohibition against slaughtering an animal **itself and its offspring does not apply to sacrificial** animals. **What is the reason?** The reason is that **since Rabbi Shimon says** that an act of **slaughter that is unfit** to permit consumption **is not considered** to have the halakhic status of an act of **slaughter,** the prohibition will not apply here. This case of **slaughtering sacrificial** animals **is also** considered **slaughter that is unfit,** in that the flesh may not be burned upon the altar or eaten until the blood has been presented.

מְתִיב רָבָא: אוֹתוֹ וְאֶת בְּנוֹ קָדָשִׁים בַּחוּץ – רַבִּי שִׁמְעוֹן אוֹמֵר: שֵׁנִי בְּלֹא תַּעֲשֶׂה; שֶׁהָיָה רַבִּי שִׁמְעוֹן אוֹמֵר: כָּל הָרָאוּי לָבֹא לְאַחַר זְמַן – הֲרֵי הוּא בְּלֹא תַּעֲשֶׂה, וְאֵין בּוֹ כָּרֵת. וַחֲכָמִים אוֹמְרִים: כָּל שֶׁאֵין בּוֹ כָּרֵת – אֵינוֹ בְּלֹא תַּעֲשֶׂה.

Rava raises an objection from a *baraita*: If one slaughtered an animal **itself and its offspring** and both animals were **sacrificial** animals slaughtered **outside** the Temple courtyard, **Rabbi Shimon says:** For slaughtering the **second** animal he transgresses **a prohibition** in slaughtering it outside the Temple, **as Rabbi Shimon would say:** With regard to **any** offering **that is fit to come** to the altar **after** a certain amount of **time** and is offered outside the Temple before that time, **he** who slaughters it transgresses **a prohibition, but there is no** liability to receive ***karet*. And the Rabbis say:** With regard to **any** offering slaughtered outside of the Temple **for which there is no** liability to receive ***karet*** because it is unfit to be an offering at that time, he who sacrifices it also **does not** transgress **a prohibition.**

וְקַשְׁיָא לָן: קָדָשִׁים בַּחוּץ, שֵׁנִי בְּלֹא תַּעֲשֶׂה? קַמָּא – מִיקְטַל קְטַל, שֵׁנִי – מִקַּבֵּל בִּפְנִים הוּא, כָּרֵת נַמִי לִיחַיֵּיב!

And this statement in the *baraita* is **difficult for us:** If both animals were **sacrificial** animals slaughtered **outside** the Temple courtyard, Rabbi Shimon says: For slaughtering the **second** animal he transgresses **a prohibition** for slaughtering outside the Temple. According to Rabbi Shimon, slaughter that is unfit for consumption is not considered slaughter. Therefore, with regard to **the first** animal, it is as if **he has killed** it without ritual slaughter, since its slaughter was unfit, and the **second** animal **would be accepted inside** the Temple upon the altar. Therefore, **let** one who slaughters it outside of the Temple **be liable** to receive ***karet* as well.**

וַאֲמַר רָבָא, וְאָמְרִי לָהּ כְּדֵי: חֲסוּרֵי מִיחַסְּרָא, וְהָכִי קָתָנֵי: קָדָשִׁים שְׁנֵיהֶם בַּחוּץ, לְרַבָּנַן – רִאשׁוֹן עָנוּשׁ כָּרֵת, שֵׁנִי פָּסוּל, וּפָטוּר מִלָּאו דְּשִׁחוּטֵי חוּץ;

And Rava said, and some say it unattributed:[B] The *baraita* **is incomplete and this is what** it is **teaching:** If one slaughters an animal and its offspring that are both **sacrificial** animals, and **both of them** are slaughtered **outside** the Temple courtyard, **according to** the opinion of **the Rabbis,** the slaughter of **the first** animal **is punishable by *karet*,** while the **second** animal **is disqualified** as its time has not yet arrived, **and** therefore, for its slaughter one is **exempt from** punishment for violating **the prohibition of** offerings **slaughtered outside** the Temple.

לְרַבִּי שִׁמְעוֹן – שְׁנֵיהֶם עֲנוּשִׁים כָּרֵת.

According to the opinion of **Rabbi Shimon,** the slaughter of **both of them,** including the second one alone, is **punishable by *karet*.** This is because the slaughter of the first is not considered slaughter, and therefore it does not disqualify the second through the prohibition of: Itself and its offspring.

אֶחָד בַּחוּץ וְאֶחָד בִּפְנִים, לְרַבָּנַן – רִאשׁוֹן עָנוּשׁ כָּרֵת, שֵׁנִי פָּסוּל וּפָטוּר; לְרַבִּי שִׁמְעוֹן – שֵׁנִי כָּשֵׁר.

If an animal and its offspring that are sacrificial animals are slaughtered, the first **one outside** the Temple courtyard, **and** the second **one inside** the Temple courtyard, **according to** the opinion of **the Rabbis,** the slaughter of the **first is punishable by *karet*,** while the **second** animal **is disqualified** as its time has not yet arrived, **and** its slaughterer is **exempt** from punishment for its slaughter outside the Temple, because he slaughtered it inside the Temple. **According to** the opinion of **Rabbi Shimon,** the **second** animal is **fit** for the altar, and it is sacrificed, as the slaughter of the first animal is not considered slaughter, and therefore the slaughter of the second does not violate the prohibition of a mother and its offspring.

BACKGROUND

Unattributed [*kedi*] – כְּדֵי: There is a dispute among the commentaries as to the meaning of the last word in this expression, and Rashi himself interprets it differently in different places. One interpretation is that *kedi* is the name, or nickname (Maharatz Ḥayyut), of a specific Sage, while another interpretation is that *kedi* means: Unattributed, and indicates that the statement is quoted without attributing it to a specific Sage. The interpretation of the *ge'onim* is similar to Rashi's second interpretation, as they hold that *kedi* is an abbreviated version of the Aramaic *kedehi*, meaning: As it is, without a name for the speaker.

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אֶחָד בִּפְנִים וְאֶחָד בַּחוּץ, לְרַבָּנַן – רִאשׁוֹן כָּשֵׁר וּפָטוּר, שֵׁנִי פָּסוּל וּפָטוּר; לְרַבִּי שִׁמְעוֹן – שֵׁנִי בִּלֹּא תַּעֲשֶׂה.

If an animal and its offspring that are sacrificial animals are slaughtered, the first **one inside** the Temple courtyard **and** the second **one outside** the Temple courtyard, **according to** the opinion of **the Rabbis,** the **first** animal **is fit** for the altar, **and** one who slaughters it **is exempt** from any punishment, as its slaughter is perfectly legitimate. The **second is unfit** for the altar, as it was slaughtered outside the Temple, **but** its slaughterer is **exempt** from punishment for its slaughter outside the Temple because it is unfit for the altar, as its time has not yet arrived. **According to** the opinion of **Rabbi Shimon,** for slaughtering the **second** animal outside the Temple one transgresses **a prohibition,** as he holds that an offering whose time has not yet arrived that was slaughtered outside the Temple violates a prohibition.

וְאִי סָלְקָא דַּעְתָּךְ: אֵין אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בְּקָדָשִׁים, שֵׁנִי אַמַּאי בִּלֹּא תַּעֲשֶׂה וְתוּ לָא? כָּרֵת נַמִּי לִיחַיֵּיב!

Rava now explains his objection: **And if it enters your mind** that the prohibition of: **Itself and its offspring,** does **not apply to sacrificial** animals, then with regard to slaughtering the **second** animal outside the Temple, **why** does one transgress only **a prohibition and nothing more? Let him be liable** to receive ***karet* as well,** as since its slaughter does not violate the prohibition of: Itself and its offspring, it would fit to be sacrificed inside the Temple. Therefore, it is clear that the prohibition of: Itself and its offspring, does apply to sacrificial animals.

אֶלָּא אָמַר רָבָא, הָכִי קָא אָמַר רַב הַמְנוּנָא: אֵין מַלְקוּת אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בְּקָדָשִׁים;

Rather, Rava said: This is what Rav Hamnuna is saying: Though the prohibition of: Itself and its offspring, does apply to sacrificial animals, the administering of **lashes for** violating the prohibition of: **Itself and its offspring, does not apply to sacrificial animals.**[N]

כֵּיוָן דְּכַמָּה דְּלָא זָרֵיק דָּם לָא מִישְׁתְּרֵי בָּשָׂר, מֵעִידָּנָא דְּקָא שָׁחֵיט הֲוַאי הַתְרָאַת סָפֵק, וְהַתְרָאַת סָפֵק לָא שְׁמָהּ הַתְרָאָה.

The reason is that **since as long as one has not sprinkled the blood, the flesh is not permitted** to be burned on the altar or eaten, **at the time that one slaughters** the second animal, when he receives a forewarning that his action violates the prohibition of: Itself and its offspring, **it is an uncertain forewarning,**[N] because if the blood will not be sprinkled, the flesh will not be permitted, sparing him from violating the prohibition of: Itself and its offspring. **And an uncertain forewarning is not considered** a valid **forewarning**[H] that renders one liable to receive lashes.

וְאָזְדָא רָבָא לְטַעְמֵיהּ, דְּאָמַר רָבָא: הִיא חוּלִין וּבְנָהּ שְׁלָמִים, שָׁחַט חוּלִין וְאַחַר כָּךְ שָׁחַט שְׁלָמִים – פָּטוּר.

And Rava follows his line of **reasoning, as Rava says:** According to Rabbi Shimon, who holds that one does not incur punishment for the prohibition of: Itself and its offspring, for a slaughtering that is unfit, if **she,** the mother, **is non-sacred, and her offspring is a peace offering,** and one **slaughtered** the **non-sacred** mother, **and afterward** one **slaughtered** her offspring that is **a peace offering** on the same day, he is **exempt** for slaughtering the offspring. This is because the forewarning for slaughtering the offspring is uncertain as its blood might not be sprinkled, rendering the slaughter unfit.

שְׁלָמִים וְאַחַר כָּךְ חוּלִין – חַיָּיב. וְאָמַר רָבָא: הִיא חוּלִין וּבְנָהּ עוֹלָה, לָא מִיבָּעֲיָא שָׁחַט חוּלִין וְאַחַר כָּךְ שָׁחַט עוֹלָה – דְּפָטוּר,

But if one slaughtered the offspring that is **a peace offering** first and sprinkled its blood, **and afterward** he slaughtered the **non-sacred** mother, he is **liable** to receive lashes for slaughtering the mother. Once the non-sacred mother is slaughtered, the meat is fit; therefore, the forewarning is definite. **And Rava says:** If **she,** the mother, **is non-sacred, and her offspring is** sacrificed as **a burnt offering,** and both are slaughtered on the same day, **it is not necessary** to state that if one **slaughtered** the **non-sacred** mother, **and afterward** he **slaughtered** her offspring as **a burnt offering, that** he is **exempt.**

NOTES

Rather Rava said…the administering of lashes for violating the prohibition of itself and its offspring does not apply to sacrificial animals – אֶלָּא אֲמַר רָבָא…אֵין מַלְקוּת אוֹתוֹ וְאֶת בְּנוֹ נוֹהֵג בְּקָדָשִׁים: Here Rava maintains that, as opposed to what was stated previously, Rav Hamnuna is saying that the act of slaughtering a sacrificial animal is considered a fit act of slaughter. The reason is, as the Gemara stated earlier, that simply killing the animal would not enable the sprinkling of the blood to permit the flesh. Therefore, if the first animal is slaughtered and its blood is sprinkled, one may not slaughter the second animal that day due to the prohibition of: Itself and its offspring. Nevertheless, one is not flogged for violating this prohibition because of the uncertainty involved in the forewarning.

As long as one has not sprinkled…at the time that one slaughters the animal it is an uncertain forewarning – כֵּיוָן דְּלָא זָרֵיק…מֵעִידָּנָא דְּקָא שָׁחֵיט הֲוַאי הַתְרָאַת סָפֵק: Rashi maintains that there is no need for this explanation and that it is simply mistaken, since any slaughter of a parent and its offspring that are sacrificial animals cannot lead to lashes for the transgressor, as the second animal is one whose time has not yet arrived, which makes its slaughter an unfit slaughter. Therefore, Rashi deletes this explanation from the text. The other early commentaries disagree and maintain that an act of slaughter that is unfit only because of the prohibition of: Itself and its offspring, is not exempt from the prohibition of: Itself and its offspring. Therefore, the opinion of Rabbi Shimon must be explained by the uncertainty involved in the forewarning.

HALAKHA

An uncertain forewarning is not considered a forewarning – הַתְרָאַת סָפֵק לָא שְׁמָהּ הַתְרָאָה: An uncertain forewarning is where a person about to perform an action is informed that if he performs the action and no mitigating circumstance occurs, he will receive lashes. Such a forewarning is considered a legitimate forewarning, and one is flogged based upon it, in accordance with the opinion of Rabbi Yoḥanan in *Pesaḥim* (63b), as opposed to the opinion of Rav Hamnuna here. There may be uncertainty with regard to the existence of the prohibition, such as when one slaughters the mother animal but the act of slaughter may have been invalid, which would allow the slaughter of the offspring. In such a case, although slaughtering the offspring is prohibited on that day, if one slaughtered it he does not receive lashes (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:5 and *Sefer Shofetim*, *Hilkhot Sanhedrin* 16:4).

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אֲלָא, אֲפִילּוּ שָׁחַט עוֹלָה וְאַחַר כָּךְ שָׁחַט חוּלִּין – פָּטוּר, שְׁחִיטָה קַמְּיֵיתָא לָאו שְׁחִיטָה בַּת אֲכִילָה הִיא.

But even if one **slaughtered** the offspring as **a burnt offering** and sprinkled its blood, **and afterward slaughtered** the **non-sacred** mother, he is **exempt.** The reason is that **the slaughter** of the **first** animal **is not** an act of **slaughter subject to consumption,** as a burnt offering is entirely burned upon the altar, and according to Rabbi Shimon, it is an act of slaughter that is improper, in that it does not render the meat fit to be eaten, is not considered slaughter.

וְרַבִּי יַעֲקֹב אָמַר רַבִּי יוֹחָנָן: אֲכִילַת מִזְבֵּחַ שְׁמָהּ אֲכִילָה; מַאי טַעְמָא? דְּאָמַר קְרָא: "וְאִם הֵאָכֹל יֵאָכֵל מִבְּשַׂר זֶבַח שְׁלָמָיו"

And Rabbi Ya'akov says that **Rabbi Yoḥanan** says: **Consumption by the altar is considered consumption. What is the reason?** The reason is **that the verse states** with regard to an offering that was sacrificed with the intent to consume it after its designated time [*piggul*]: **"And if any of the flesh of the sacrifice of his peace offerings be at all eaten** [***he'akhol ye'akhel***][N] on the third day, it shall not be accepted" (Leviticus 7:18).

בְּשִׁתֵּי אֲכִילוֹת הַכָּתוּב מְדַבֵּר, אֶחָד אֲכִילַת אָדָם וְאֶחָד אֲכִילַת מִזְבֵּחַ.

The repetitive expression "*he'akhol ye'akhel*" teaches that **the verse is speaking of two** types of **consumption: One** is **human consumption, and** the other **one** is **consumption by the altar,** and both are considered consumption with regard to *piggul* and other matters. Therefore, the slaughter of a burnt offering is considered slaughter that is fit for consumption, and the slaughter of a mother animal and its offspring, one of which is sacrificed as a burnt offering on the same day as the slaughter of the other, renders one liable to receive lashes even according to the opinion of Rabbi Shimon.

מתני׳ הַשּׁוֹחֵט וְנִמְצָא טְרֵפָה, הַשּׁוֹחֵט לַעֲבוֹדָה זָרָה, וְהַשּׁוֹחֵט פָּרַת חַטָּאת, וְשׁוֹר הַנִּסְקָל, וְעֶגְלָה עֲרוּפָה – רַבִּי שִׁמְעוֹן פּוֹטֵר, וַחֲכָמִים מְחַיְּיבִין.

MISHNA With regard to **one who slaughters** an animal and its offspring **and** one of them **is discovered to be an animal with a wound that would have caused it to die within twelve months** [***tereifa***][H] and may not be eaten, or **one who slaughters** one of the animals **for** the sake of **idol worship,** from which deriving benefit is prohibited, **or one who slaughters the** red **heifer of purification,**[B] **or an ox that** was **to** have been **stoned,**[B] **or a heifer whose neck** was **to** have been **broken,**[B] all of which are animals from which deriving benefit is prohibited, **Rabbi Shimon deems** one who slaughters them **exempt** from lashes for the slaughter of a mother and its offspring, as in his opinion, slaughter that does not render the animal fit for consumption is not considered slaughter and does not violate the prohibition. **And the Rabbis deem** him **liable,** as the slaughter need not render the animal fit for consumption in order to violate the prohibition.

NOTES

And if any of the flesh of the sacrifice of his peace offerings be at all eaten – וְאִם הֵאָכֹל יֵאָכֵל מִבְּשַׂר זֶבַח שְׁלָמָיו: This verse relates to the *halakha* of *piggul*, where a priest who performs the rites of an offering has the intention to eat from it after the designated time when it must be consumed. This renders the offering *piggul*. It is unfit for offering on the altar, and anyone who eats of its meat is liable to receive *karet*. The Sages interpret the statement: "And if any of the flesh of the sacrifice of his peace offerings be at all eaten on the third day," to mean that if one intends to consume the offering at a time when that consumption is no longer permitted, whether the intention was to effect human consumption or consumption by the altar, it shall not be accepted and is *piggul*.

HALAKHA

One who slaughters an animal and its offspring and one of them is discovered to be a *tereifa* – הַשּׁוֹחֵט וְנִמְצָא טְרֵפָה: If one slaughters an animal that is discovered to be a *tereifa*, slaughters for the purpose of idolatry, slaughters a heifer whose neck was to have been broken, slaughters the red heifer of purification, or slaughters an ox that was to have been stoned, and then another person slaughters that animal's offspring or mother, the second person is flogged. This is because an act of slaughter that does not permit the animal to be consumed is nevertheless considered slaughter. This ruling is in accordance with the statement (85a) that Rabbi Yehuda HaNasi saw fit to rule in accordance with Rabbi Meir's opinion on this issue and therefore recorded it as the unattributed opinion (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:6 and *Kesef Mishne* there).

BACKGROUND

Red heifer of purification – פָּרַת חַטָּאת: In order to eliminate the ritual impurity imparted by a human corpse, one must be purified by means of water mixed with the ashes of a red heifer (see Numbers 19:1–22). This heifer and all of its hairs must be entirely red; even two black hairs disqualifies it for this ritual. Similarly, it may not have any blemishes, nor may it have been used for any labor. The red heifer was slaughtered on the Mount of Olives outside Jerusalem, and its blood was sprinkled seven times in the direction of the Temple. Its body was then burned on a special pyre, to which cedar-wood, hyssop, and scarlet wool were added (see Numbers 19:6). The ashes from this pyre were then gathered and mixed in a vessel with water drawn from a spring. Three hyssop branches were dipped in the water that was then sprinkled on the impure person. A single drop from the mixture suffices to transform an individual from a ritually impure person to a pure one, regardless of where the water lands on his body.

Ox that was to have been stoned – שׁוֹר הַנִּסְקָל: An ox that killed a person is stoned to death, whether or not the ox had previously displayed violent tendencies and whether the victim was an adult, a child, or a Canaanite slave. It is prohibited to derive any benefit from an ox that is stoned, not only after its execution, but from the moment the court of twenty-three judges delivers its verdict. The term: Ox that is stoned, is employed as a generic term to describe any domesticated animal or non-domesticated animal that killed a person, whether it is a large or small animal, or even a bird.

Heifer whose neck was to have been broken – עֶגְלָה עֲרוּפָה: When a murder victim's corpse is found outside a town and it is not known who killed him, the following procedure is observed (see Deuteronomy 21:1–9): First, judges who are members of the Great Sanhedrin come to measure the distance between the corpse and the nearest towns, to determine which town must perform the rite of the heifer whose neck is broken. This measurement is carried out even if it is clear which town is closest to the corpse. Afterward, the elders of that town bring a heifer that has never been used for any labor, and they break its neck in a rough valley that has not been tilled. The elders wash their hands and make a statement absolving themselves of guilt. If the murderer is discovered before the heifer has been killed, the rite is not performed.

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הַשּׁוֹחֵט וְנִתְנַבְּלָה בְּיָדוֹ, וְהַנּוֹחֵר, וְהַמְעַקֵּר – פָּטוּר מִשּׁוּם אוֹתוֹ וְאֶת בְּנוֹ.

All agree that **one who slaughters** an animal **and it becomes a carcass by his hand**[H] because the slaughter was invalid, **or one who stabs** an animal, **or one who uproots** the windpipe and the gullet,[N] is **exempt with regard to** the prohibition against slaughtering **a mother and its offspring,**[N] as it is written: "You shall not slaughter it and its offspring both in one day" (Leviticus 22:28), and in these cases, no ritual slaughter was performed.

גמ׳ אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: לֹא שָׁנוּ אֶלָּא שֶׁשָּׁחַט רִאשׁוֹן לַעֲבוֹדָה זָרָה וְשֵׁנִי לְשֻׁלְחָנוֹ, אֲבָל רִאשׁוֹן לְשֻׁלְחָנוֹ וְשֵׁנִי לַעֲבוֹדָה זָרָה – פָּטוּר, דְּקָם לֵיהּ בְּדִרְבָּה מִינַּיְיהוּ.

GEMARA **Rabbi Shimon ben Lakish says:** The Rabbis in the mishna **taught** that one is liable when one of the animals is slaughtered for the sake of idol worship **only when he slaughtered** the **first** animal **for** the sake of **idol worship and** the **second** animal **for his** own **table. But** if he slaughtered the **first** animal **for his** own **table and** the **second** animal **for** the sake of **idol worship,** he is **exempt** from lashes for the second act of slaughter, **as he receives** only **the greater** punishment,[B] that for idol worship, which is death.

אֲמַר לֵיהּ רַבִּי יוֹחָנָן: זוֹ – אֲפִילּוּ תִּינוֹקוֹת שֶׁל בֵּית רַבָּן יוֹדְעִין אוֹתָהּ! אֶלָּא, פְּעָמִים שֶׁאֲפִילּוּ שָׁחַט רִאשׁוֹן לְשֻׁלְחָנוֹ וְשֵׁנִי לַעֲבוֹדָה זָרָה – חַיָּיב,

Rabbi Yoḥanan said to him: Even schoolchildren know this *halakha*, that one who is liable to receive two punishments receives only the greater punishment. **Rather, sometimes, even if he slaughtered** the **first for his** own **table and** the **second for** the sake of **idol worship,** he is **liable** to receive lashes for the second act of slaughter.

כְּגוֹן דְּאַתְרוּ בֵּיהּ מִשּׁוּם אוֹתוֹ וְאֶת בְּנוֹ, וְלָא אַתְרוּ בּוֹ מִשּׁוּם עֲבוֹדָה זָרָה. וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: כֵּיוָן דְּכִי אַתְרוּ בֵּיהּ פָּטוּר – כִּי לָא אַתְרוּ בֵּיהּ נַמִי פָּטוּר.

This occurs, **for example, where** the witnesses **forewarned him** before the second act of slaughter **with regard to** the prohibition of: **Itself and its offspring,**[H] **but** they **did not forewarn him with regard to idol worship.** Since he is not punished for performing idol worship, he receives lashes for the less severe transgression. **And Rabbi Shimon ben Lakish says: Since, had they forewarned him** with regard to idol worship he would have been **exempt** from lashes; therefore, even **if they did not forewarn him** with regard to idol worship, **he is also exempt** from lashes.

וְאָזְדוּ לְטַעְמַייְהוּ, דְּכִי אֲתָא רַב דִּימִי אֲמַר: חַיָּיבֵי מִיתוֹת שׁוֹגְגִין, וְחַיָּיבֵי מַלְקוֹת שׁוֹגְגִין, וְדָבָר אַחֵר – רַבִּי יוֹחָנָן אוֹמֵר חַיָּיב, וְרֵישׁ לָקִישׁ אוֹמֵר פָּטוּר;

The Gemara notes: **And they** each **follow their** known lines of **reasoning** in this matter. **As when Rav Dimi came** to Babylonia from Eretz Yisrael **he said:** With regard to **those** who **unwittingly** performed a transgression for which one is **liable to** receive the **death** penalty[H] if one performed it intentionally, **or those** who **unwittingly** performed a transgression for which one is **liable** to receive **lashes, and** that transgression also involved **another matter,** monetary payment, and they were forewarned with regard to the monetary penalty but not with regard to the lashes or the death penalty, **Rabbi Yoḥanan says:** He is **liable** to pay; **and Reish Lakish says:** He is **exempt.**

רַבִּי יוֹחָנָן אוֹמֵר חַיָּיב – דְּהָא לָא אַתְרוּ בּוֹ, וְרֵישׁ לָקִישׁ אוֹמֵר פָּטוּר, דְּכֵיוָן דְּכִי אַתְרוּ בֵּיהּ פָּטוּר – כִּי לָא אַתְרוּ בֵּיהּ נַמִי פָּטוּר.

The Gemara clarifies the rationales for their statements. **Rabbi Yoḥanan says** that he is **liable; since they did not forewarn him** with regard to the severe transgression, he sinned unwittingly, and he remains liable only to pay the monetary payment. **And Reish Lakish says** that he is **exempt; since had they forewarned him** with regard to the severe transgression, he would have been **exempt** from the monetary payment, **when they did not forewarn him,** he is **also exempt.**

HALAKHA

One who slaughters an animal and it becomes a carcass by his hand – הַשּׁוֹחֵט וְנִתְנַבְּלָה בְּיָדוֹ: One who stabs an animal to death, or one who slaughters an animal in a manner that renders it a carcass, is not considered to have slaughtered the animal. Therefore, it is permitted to slaughter the animal's offspring or its mother on that same day. Similarly, when the first animal is slaughtered appropriately, if one stabs the second animal to death he is exempt (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:3; *Shulḥan Arukh*, *Yoreh De'a* 16:9).

Where the witnesses forewarned him before the second slaughter with regard to the prohibition of itself and its offspring – דְּאַתְרוּ בֵּיהּ מִשּׁוּם אוֹתוֹ וְאֶת בְּנוֹ: If one slaughters an animal for the sake of idol worship after having slaughtered its mother or offspring on that same day, he is exempt from punishment for violating the prohibition of: Itself and its offspring, since he is liable to receive the death penalty. But if he is forewarned with regard to: Itself and its offspring, but he is not forewarned with regard to idol worship, he receives lashes, in accordance with the opinion of Rabbi Yoḥanan, as the *halakha* follows his opinion in his disputes with Reish Lakish (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:7).

Those who unwittingly performed a transgression for which one is liable to receive the death penalty, etc. – חַיָּיבֵי מִיתוֹת שׁוֹגְגִין וְכוּ': One who transgresses a prohibition that, if performed intentionally and with forewarning, would entail a court-imposed death penalty as well as a monetary payment, is exempt from the monetary payment, even if he transgressed unwittingly and is not liable to receive the death penalty. If one transgresses a prohibition entailing lashes as well as a monetary payment, he receives lashes and does not pay. In contrast to a transgression entailing a court-imposed death penalty, if he transgresses unintentionally, or is not forewarned with regard to the lashes, he pays and does not receive lashes (Rambam *Sefer Nezikin*, *Hilkhot Geneiva* 3:1; see *Leḥem Mishne* on Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 16:5).

BACKGROUND

He receives only the greater punishment – קָם לֵיהּ בְּדִרְבָּה מִינַּיְיהוּ: A principle with regard to penalties is that one who has committed two or more transgressions by performing a single act is exempt from punishment for the less severe transgression. Consequently, one who commits an act warranting the death penalty or lashes, as well as the payment of monetary compensation, receives the more severe penalty, i.e., the death penalty or lashes, and he is exempt from paying.

NOTES

Or one who stabs [*noḥer*] an animal, or one who uproots the windpipe and the gullet – וְהַנּוֹחֵר וְהַמְעַקֵּר: Rashi on 17a interprets the word *noḥer* to mean that one cuts open the animal starting from its nostrils down to its chest (see Rashi on 85b), while other commentaries interpret it as stabbing. The word uproots means uprooting the windpipe and the gullet instead of slicing them with a knife.

Exempt with regard to the prohibition against slaughtering a mother and its offspring – פָּטוּר מִשּׁוּם אוֹתוֹ וְאֶת בְּנוֹ: In these cases, even the Rabbis, who maintain that an act of slaughter that does not render an animal fit is considered an act of slaughter, agree that he is exempt, as that is only when an external prohibition causes the slaughter to become unfit. When the slaughter itself is inherently invalid, they agree that one is exempt.

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NOTES

A red heifer is susceptible to the ritual impurity of food – פָּרָה מְטַמְּאָה טוּמְאַת אוֹכָלִין: It is prohibited to derive benefit from the red heifer of purification, and consequently its meat may not be fed to a gentile or an animal. Although generally an item from which it is prohibited to derive benefit is not considered food with regard to susceptibility to ritual impurity, the red heifer, once slaughtered, is nevertheless considered food and is susceptible to ritual impurity.

HALAKHA

A red heifer is susceptible to the ritual impurity of food – פָּרָה מְטַמְּאָה טוּמְאַת אוֹכָלִין: The meat of the red heifer of purification is susceptible to the ritual impurity of food, if one considers it food and an item that is ritually impure touches it, in accordance with the opinion of the Rabbis, who disagree with Rabbi Shimon (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 3:3 *and Hilkhot Tumat Okhalin* 1:25; see *Kesef Mishne* and *Mishne LaMelekh* on *Hilkhot Para Aduma* 5:7).

וּצְרִיכָא, דְּאִי אַשְׁמוּעִינַן בְּהָא – בְּהָא קָאָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, אֲבָל בְּהָא – אֵימָא מוֹדֵי לֵיהּ לְרַבִּי יוֹחָנָן;

The Gemara notes: **And it is necessary** to state their disagreement with regard to both of these cases. **As, if it were taught to us** only **about this** case where one slaughters the mother for his private use and afterward slaughters its offspring for idol worship, perhaps only **in this** case involving the death penalty and lashes **does Rabbi Shimon ben Lakish say** that even if they did not forewarn the transgressor with regard to idol worship, he is still exempt from lashes for the prohibition of: Itself and its offspring, because the death penalty and lashes are similar in that they are both corporal punishments, and so the obligation of lashes does not take effect at all when the death penalty is potentially applicable. **But in that** case, involving the death penalty or lashes together with a monetary payment, **say that he agrees with Rabbi Yoḥanan** that the transgressor is liable to pay the monetary payment.

וְאִי אִיתְּמַר בְּהָא – בְּהָא קָאָמַר רַבִּי יוֹחָנָן, אֲבָל בְּהָא – אֵימָא מוֹדֵי לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, צְרִיכָא.

And if the disagreement **was stated** only **with regard to that** case, where one unwittingly performed a transgression involving the death penalty or lashes together with a transgression bearing a monetary payment, perhaps only **in that** case **does Rabbi Yoḥanan say** that he is liable to pay the monetary payment. **But in this** case, where one slaughtered an animal and its offspring, and the second animal was slaughtered for the sake of idol worship, which involves the death penalty and lashes, but without a forewarning with regard to the death penalty, **say that he agrees with Rabbi Shimon ben Lakish** that one is exempt from lashes. Therefore, it is **necessary** to state their disagreement with regard to both cases.

וּפָרַת חַטָּאת שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה הִיא? וְהָתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר: פָּרָה מְטַמְּאָה טוּמְאַת אוֹכָלִין הוֹאִיל וְהָיְתָה לָהּ שְׁעַת הַכּוֹשֶׁר;

§ The mishna teaches that Rabbi Shimon deems one who slaughters the red heifer of purification exempt from punishment for the prohibition of: Itself and its offspring, as that act of slaughter does not render the animal fit for consumption. The Gemara asks: **And** is the slaughter of **the** red **heifer of purification** considered an act of **slaughter that is unfit** for consumption? **But isn't it taught** in a *baraita*: **Rabbi Shimon says:** A red **heifer,** even if it has been slaughtered and it is therefore prohibited to derive benefit from it, **is susceptible to the ritual impurity of food,**[NH] **since it had a time in which it was fit** for consumption?

Perek **V**
Daf **82** Amud **a**

וְאָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, אוֹמֵר הָיָה רַבִּי שִׁמְעוֹן: פָּרָה נִפְדֵּית עַל גַּבֵּי מַעֲרַכְתָּהּ! אֲמַר רַב שֶׁמֶן בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: פָּרַת חַטָּאת אֵינָהּ מִשְׁנָה.

And Rabbi Shimon ben Lakish says in explanation of Rabbi Shimon's statement: **Rabbi Shimon would say** that the red **heifer can be redeemed** with money even once it has been slaughtered and placed **upon its pyre** in preparation for being burned. Therefore, Rabbi Shimon states that there could be a time when the heifer was fit for consumption, i.e., if it was redeemed. Why, then, does he deem one who slaughters it exempt from liability for transgressing the prohibition of: Itself and its offspring? **Rav Shemen bar Abba said** that **Rabbi Yoḥanan says:** The statement with regard to **the** red **heifer of purification is not** considered part of the **mishna,** and Rabbi Shimon agrees that its slaughterer is liable for transgressing the prohibition of: Itself and its offspring.

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וְעֶגְלָה עֲרוּפָה לָאו שְׁחִיטָה רְאוּיָה הִיא? וְהָתְנַן: נִמְצָא הַהוֹרֵג עַד שֶׁלֹּא תֵּעָרֵף הָעֶגְלָה – תֵּצֵא וְתִרְעֶה בָּעֵדֶר! אֲמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מִשּׁוּם רַבִּי יַנַּאי: עֶגְלָה עֲרוּפָה אֵינָהּ מִשְּׁנָה.

The Gemara asks: **And is** the slaughter of the **heifer whose neck** was **to** have been **broken not** considered an act of **slaughter** that is **fit? But didn't we learn** in a mishna (*Sota* 47a): If a heifer was set aside to have its neck broken to atone for the murder of an individual whose murderer was not known, and then **the murderer was found**[H] **before the heifer's neck was broken,** the heifer **shall go out and graze among the flock,** as it is not consecrated. Evidently, before its neck is broken, deriving benefit from it is not prohibited, and its slaughter would be one that is fit. **Rabbi Shimon ben Lakish said in the name of Rabbi Yannai:** The statement with regard to **the heifer whose neck** was **to** have been **broken is not** considered part of the **mishna,** and Rabbi Shimon agrees that its slaughterer is liable for violating the prohibition of: Itself and its offspring.

וּמִי אָמַר רַבִּי יַנַּאי הָכִי? וְהָאָמַר רַבִּי יַנַּאי: גְּבוּל שָׁמַעְתִּי בָּהּ וְשָׁכַחְתִּי; וְנָסְבִין חַבְרַיָּא לוֹמַר: יְרִידָתָהּ לְנַחַל אֵיתָן אוֹסַרְתָּהּ;

The Gemara asks: **And does Rabbi Yannai** actually **say so? But doesn't Rabbi Yannai say: I heard** the **boundary,** i.e., stage, beyond which the heifer is forbidden, **but I have forgotten** what it is; **but the group** of scholars **were inclined to say** that the heifer's **descent to a hard valley,** where its neck is broken, **is** the action that **renders it forbidden?**[H]

וְאִם אִיתָא, לִישָּׁנֵי: כָּאן – קוֹדֶם יְרִידָה, כָּאן – לְאַחַר יְרִידָה!

And if it is so, let him resolve the contradiction by saying: **Here,** where deriving benefit from the heifer is permitted, and its slaughterer is liable for transgressing the prohibition of: Itself and its offspring, it is referring to an act of slaughtering that is fit and is performed **before** the heifer's **descent,** while **there,** in the mishna, where Rabbi Shimon holds that there is no liability for transgressing: Itself and its offspring, it is referring to slaughtering performed **after** its **descent.** At that time, deriving benefit from the heifer is already prohibited, and the slaughter is therefore not considered fit.

אֲמַר רַב פִּנְחָס בְּרֵיהּ דְּרַב אַמִּי, אֲנַן מִשְּׁמֵיהּ דְּרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מַתְנִינַן לָהּ: עֶגְלָה עֲרוּפָה אֵינָהּ מִשְּׁנָה. אֲמַר רַב אַשִׁי: כִּי הֲוִינַן בֵּי רַב פַּפִּי קַשְׁיָא לָן: מִי אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ הָכִי?

Rav Pineḥas, son of Rav Ami, said: We taught the statement **in the name of Rabbi Shimon ben Lakish** himself, not as a quote from Rabbi Yannai: The statement with regard to **the heifer whose neck is broken is not** considered part of the **mishna. Rav Ashi said: When we were** studying in **the study hall of Rav Pappi,** that statement was **difficult for us: Did Rabbi Shimon ben Lakish** actually **say** that it is not considered part of the mishna?

וְהָא אִיתְּמַר: צִפּוֹרֵי מְצוֹרָע מֵאֵימָתַי נֶאֱסָרִין? רַבִּי יוֹחָנָן אָמַר: מִשְּׁעַת שְׁחִיטָה, וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: מִשְּׁעַת לְקִיחָה; וְאָמְרִינַן: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ?

But it was stated that *amora'im* engaged in a dispute concerning the following issue: **From when** is one **prohibited** from deriving benefit from **the leper's birds?**[HN] **Rabbi Yoḥanan says:** One is prohibited **from the moment of** their **slaughter; and Reish Lakish says:** One is prohibited **from the moment** they are **taken** and designated to be a leper's birds. **And we say: What is the reasoning of Rabbi Shimon ben Lakish?**

גְּמַר ״קִיחָה״ ״קִיחָה״ מֵעֶגְלָה עֲרוּפָה!

His reasoning is that he **derives** it via verbal analogy **from** the terms: "**Taking** [***kiḥa***]" (Leviticus 14:4), with regard to the birds, and: "**Taking** [***kiḥa***]" (Deuteronomy 21:3), with regard to the **heifer whose neck is broken.** Consequently, just as deriving benefit from the heifer whose neck is broken is prohibited from the time of its selection, so too must deriving benefit from these birds be prohibited from the time of their selection. Clearly, then, Rabbi Shimon ben Lakish holds that deriving benefit from the heifer whose neck is broken is prohibited while it is still alive. Therefore, its slaughter is one that does not render the animal fit for consumption. Accordingly, Rabbi Shimon would exempt its slaughterer from the prohibition of: Itself and its offspring, as is taught in the mishna.

HALAKHA

The murderer was found – נִמְצָא הַהוֹרֵג: If the murderer was found before the heifer's neck was broken, the heifer shall go out and graze among the flock (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 10:8).

Its descent to a hard valley is the action that renders it forbidden – יְרִידָתָהּ לְנַחַל אֵיתָן אוֹסַרְתָּהּ: One is prohibited from deriving benefit from a heifer whose neck is broken from the moment it is brought into the valley for the performance of the rite, and it must be buried in the location where its neck was broken. If it dies or is slaughtered after it has been brought into the valley, before the rite is performed, one is still prohibited from deriving benefit from it and it must be buried, as the members of the group of scholars were inclined to say (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 10:6).

From when is one prohibited from deriving benefit from the leper's birds – צִפּוֹרֵי מְצוֹרָע מֵאֵימָתַי נֶאֱסָרִין: One is prohibited from deriving benefit from a bird that is slaughtered for the purpose of purifying a leper from the moment the bird is slaughtered, since the *halakha* is generally in accordance with the opinion of Rabbi Yoḥanan in his disputes with Reish Lakish (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:7).

NOTES

The leper's birds – צִפּוֹרֵי מְצוֹרָע: The purification of a leper is performed as follows: The priest slaughters one of two birds that the leper brings so that its blood flows into running water. The priest then dips the live bird in that liquid mixture of blood and water. He then sprinkles the mixture on the leper and sets the live bird free (see Leviticus 14:4–7). The majority of the early commentaries (*Kiddushin* 57a) maintain that, even according to the opinion of Rabbi Yoḥanan, it is prohibited to derive benefit from both of the birds from the moment they are purchased, but one may derive benefit from the live bird that is freed once the other bird is slaughtered. This is derived from the use of the plural in the phrase: The leper's birds. The Rashba writes that in Rashi's opinion the bird designated to go free is permitted from the outset.

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אֶלָּא, אֲמַר רַבִּי חִיָּיא בַּר אַבָּא אֲמַר רַבִּי יוֹחָנָן: עֶגְלָה עֲרוּפָּה אֵינָהּ מִשְּׁנָה.

Rather, Rabbi Ḥiyya bar Abba said that **Rabbi Yoḥanan said:** The statement with regard to the **heifer whose neck is broken is not** considered part of the **mishna,**[N] and this resolution of the difficulty was articulated by Rabbi Yoḥanan rather than Reish Lakish.

מתני׳ שְׁנַיִם שֶׁלָּקְחוּ פָּרָה וּבְנָהּ, אֵיזֶה שֶׁלָּקַח רִאשׁוֹן – יִשְׁחוֹט רִאשׁוֹן, וְאִם קָדַם הַשֵּׁנִי – זָכָה.

MISHNA With regard to **two** people **who purchased**[H] **a cow and its offspring,** where each purchased one of the animals, **whoever purchased** his animal **first shall slaughter** it **first,** and the second one must wait until the next day to slaughter his animal, so as not to violate the prohibition of: It and its offspring. **But if the second** one **preceded** him and slaughtered his animal first, he **benefitted,** and the one who purchased the animal first may not slaughter it until the next day.

גמ׳ אֲמַר רַב יוֹסֵף: לְעִנְיַן דִּינָא תְּנַן. תָּנָא: אִם קָדַם הַשֵּׁנִי – הֲרֵי זֶה זָרִיז וְנִשְׂכָּר; זָרִיז – דְּלָא עֲבַד אִיסּוּרָא, וְנִשְׂכַּר – דְּקָאֲכִיל בִּשְׂרָא.

GEMARA **Rav Yosef said: We learn** in the mishna that the first purchaser is granted precedence only **with regard to the matter of** a court **judgment,**[N] in case the two purchasers go to court each demanding to slaughter his animal first. But there is no prohibition against the second one slaughtering his animal first if no claim is brought to court. Likewise, a Sage **taught** in a *baraita*: **If the second** one **preceded** him and slaughtered his animal first, **he is diligent and rewarded;** he is **diligent because he did not violate a prohibition, and** he is **rewarded because he eats meat** already that day.

מתני׳ שָׁחַט פָּרָה וְאַחַר כָּךְ שְׁנֵי בָנֶיהָ – סוֹפֵג שְׁמוֹנִים. שָׁחַט שְׁנֵי בָנֶיהָ וְאַחַר כָּךְ שְׁחָטָהּ – סוֹפֵג אֶת הָאַרְבָּעִים. שְׁחָטָהּ וְאֶת בִּתָּהּ, וְאֶת בַּת בִּתָּהּ – סוֹפֵג שְׁמוֹנִים.

MISHNA If **one slaughtered a cow and thereafter** slaughtered **its two offspring**[H] on the same day, **he incurs eighty** lashes for two separate actions violating the prohibition against slaughtering the mother and the offspring on the same day. If **one slaughtered its two offspring and thereafter slaughtered** the mother cow, **he incurs the forty** lashes, as he performed a single prohibited act. If **one slaughtered** the mother **and its daughter, and,** later that day, slaughtered **its daughter's daughter, he incurs eighty** lashes, as he has performed the act of slaughtering a mother and its offspring twice.

HALAKHA

Two people who purchased – שְׁנַיִם שֶׁלָּקְחוּ: If two different people purchased a cow and its offspring on the same day, each purchasing one of the animals, the first purchaser is entitled to slaughter his animal first, and the second should wait until the next day. If the second one preceded him and slaughtered his animal first, then the first purchaser must wait until the next day. If they purchased the two animals from two different sellers, then they have equal status, and whichever of them slaughters his animal first has profited (Rosh). The *Baḥ* writes that in such a case they should choose the order of slaughtering by lottery (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:13; *Shulḥan Arukh*, *Yoreh De'a* 16:6).

If one slaughtered a cow and thereafter slaughtered its two offspring – שָׁחַט פָּרָה וְאַחַר כָּךְ שְׁנֵי בָנֶיהָ: If one slaughtered a cow and thereafter slaughtered its two offspring on the same day, he is flogged with eighty lashes. If one slaughtered two calves and thereafter slaughtered the mother cow, he is flogged with forty lashes. If one slaughtered the mother, its offspring, and the offspring of its offspring, he is flogged with eighty lashes. If one slaughtered the mother and then its daughter's offspring and thereafter slaughtered its daughter, he is flogged with forty lashes (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:12).

NOTES

The statement with regard to the heifer whose neck is broken is not considered part of the mishna – עֶגְלָה עֲרוּפָּה אֵינָהּ מִשְּׁנָה: This means that Rabbi Yoḥanan rules in accordance with the mishna (*Sota* 47a) that deriving benefit from the heifer whose neck is broken is prohibited only from the moment of death. Therefore, in his opinion, slaughter of the heifer whose neck was to have been broken is an act of slaughter that is valid, and Rabbi Shimon does not disagree with the Rabbis with regard to this case. Consequently, Rabbi Shimon holds that one can violate the prohibition of: Itself and its offspring, by slaughtering a heifer whose neck was to have been broken, and the statement about the heifer whose neck was to have been broken must be deleted from the mishna. In the opinion of Reish Lakish, who holds that deriving benefit from the heifer whose neck is broken is prohibited from the moment of its purchase, and in the opinion of Rabbi Yannai, who holds that deriving benefit is prohibited from the moment the heifer descends into a hard valley, there is a period when its slaughter is unfit, and therefore the statement about the heifer whose neck was to have been broken should remain in the mishna.

We learn in the mishna that the first purchaser is granted precedence only with regard to the matter of a court judgment – לְעִנְיַן דִּינָא תְּנַן: This means that there is no prohibition against the first one waiting and allowing the second one to slaughter his animal first, as the mishna is not relating to this as a matter of forbidden items (Rashi). Some have interpreted this as meaning that the second one need not be concerned that the first purchaser may have slaughtered his animal already, and that, as may be derived from a mishna (83a), the seller need not inform him that he has sold the mother that day to someone who may have slaughtered it already (*Ḥatam Sofer*; *Beur HaGra* on *Shulḥan Arukh*, *Yoreh De'a* 16:6). Therefore, the mishna is referring solely to monetary matters, supporting the first purchaser if he petitions the court to prevent the second one from slaughtering before him. The early commentaries explain the reason for this in accordance with the statement in the *Tosefta* (5:4) that the purchaser has precedence over the seller with regard to slaughtering his animal, as he has purchased it for slaughter. Consequently, just as the seller must give precedence to the first purchaser, so must the second purchaser, as he has no stronger claim than the seller from whom he purchased the animal (Rashi; Rashba). It can be derived from this *Tosefta* that if the mother and its offspring are owned by two different people, and the two purchasers purchased the animals from them, neither purchaser has precedence over the other (Rosh).

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שְׁחָטָהּ וְאֶת בַּת בִּתָּהּ, וְאַחַר כָּךְ שָׁחַט בִּתָּהּ – סוֹפֵג אֶת הָאַרְבָּעִים. סוּמָכוֹס אוֹמֵר מִשּׁוּם רַבִּי מֵאִיר: סוֹפֵג שְׁמוֹנִים.

But if **one slaughtered** the mother **and its daughter's daughter and thereafter slaughtered its daughter, he incurs the forty** lashes, as he performed a single prohibited act. **Sumakhos**[LP] **says in the name of Rabbi Meir: He incurs eighty** lashes[N] for slaughtering the daughter on the same day as its calf and its mother, as that act comprises two separate violations of the prohibition.

גמ׳ אַמַּאי? ״אוֹתוֹ וְאֶת בְּנוֹ״ אָמַר רַחֲמָנָא, וְלָא בְּנוֹ וְאוֹתוֹ! לָא סָלְקָא דַּעְתָּךְ, דְּתַנְיָא: ״אוֹתוֹ וְאֶת בְּנוֹ״ – אֵין לִי אֶלָּא אוֹתוֹ וְאֶת בְּנוֹ, אוֹתוֹ וְאֶת אִמּוֹ מִנַּיִן?

GEMARA With regard to the statement in the mishna that if one slaughters two calves and thereafter slaughters their mother he incurs the forty lashes, the Gemara asks: **Why** does he receive lashes? After all, the phrase: **"It and its offspring"** (Leviticus 22:28), is what **the Merciful One states** in the Torah, **and not: Its offspring and it.** The Gemara answers: That thought should **not enter your mind, as it is taught** in a *baraita*: From the phrase **"it and its offspring" I have** derived **only** that the prohibition includes slaughtering the animal **itself** first **and its offspring** afterward. **From where** do I derive that the prohibition also includes the case of slaughtering the offspring **itself** first **and its mother**[H] afterward?

כְּשֶׁהוּא אוֹמֵר ״לֹא תִשְׁחָטוּ״ – הֲרֵי כָּאן שְׁנַיִם, הָא כֵּיצַד? אֶחָד הַשּׁוֹחֵט אֶת הַפָּרָה, וְאֶחָד הַשּׁוֹחֵט אֶת אִמָּהּ, וְאֶחָד הַשּׁוֹחֵט אֶת בְּנָהּ – שְׁנַיִם הָאַחֲרוֹנִים חַיָּבִין.

It is derived in the following manner: **When** the verse **states: "You shall not slaughter** [*tishḥatu*] both in one day" (Leviticus 22:28), **this** is referring to **two** people who are prohibited from slaughtering on the same day, as the word "slaughter" is phrased in the plural. **How so?** If, during the course of a single day, there is **one** person **who slaughters the cow and** then **another who slaughters** that cow's **mother, and** then there is **another** person **who slaughters** that cow's **offspring, the two latter** people **are liable,** the first of them for slaughtering the mother after its offspring was slaughtered, and the second person for slaughtering the offspring after its mother was slaughtered.

PERSONALITIES

Sumakhos – סוּמָכוֹס: This refers to Sumakhos ben Yosef, who lived in the last generation of *tanna'im*. He was the preeminent disciple of Rabbi Meir, and as such he attempted to clarify Rabbi Meir's statements, even after Rabbi Meir's death, and transmit them to future generations. Like his mentor, Sumakhos was famous for his sharp intellect, to the point that it was said that he would provide forty-eight reasons for every *halakha* to prove and reinforce its validity. He was considered one of the foremost rabbinic scholars of his generation, as he is found to have disagreed with even the greatest *tanna'im*, including the colleagues of Rabbi Meir, such as Rabbi Yosei and Rabbi Eliezer ben Ya'akov; even *tanna'im* such as Rabbi Natan consulted him on Torah matters. Apparently he lived a long life, as the *amora* Rav had the opportunity to be acquainted with him and to learn Torah from him.

LANGUAGE

Sumakhos – סוּמָכוֹס: From the Greek word σύμμαχος, *summakhos*, meaning an ally.

NOTES

Sumakhos says…he incurs eighty lashes – סוּמָכוֹס אוֹמֵר...סוֹפֵג שְׁמוֹנִים: According to Rabbi Yoḥanan in the Jerusalem Talmud (*Yevamot* 11:1), Sumakhos holds that the violator receives eighty lashes only in this latter case in the mishna where, with the slaughter of the daughter, he violates two separate prohibitions with a single action: Itself and its offspring, and: Its offspring and itself. But in the former case, where he slaughters two animals and then their mother, Sumakhos agrees with the Rabbis that the violator receives only forty lashes, as that act constitutes two violations of the same prohibition. This is the opinion of the Ran as well. By contrast, a *baraita* cited in the Jerusalem Talmud (see *Tosefta* 5:7) notes that Sumakhos also disagrees in the earlier case. This is also the opinion of *Tosafot*, who explain that the mishna cites the dispute specifically with regard to this latter case to show that even in such a case the Rabbis hold that he receives only forty lashes, since the two prohibitions are derived from the same verse, as is explained later in the Gemara (see *Ḥatam Sofer*).

HALAKHA

Itself and its mother – אוֹתוֹ וְאֶת אִמּוֹ: It is prohibited to slaughter a mother animal and its offspring on the same day, whether one slaughters the mother first and then the offspring or one slaughters the offspring first and then the mother (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:12; *Shulḥan Arukh*, *Yoreh De'a* 16:1).

Perek **V**
Daf **82** Amud **b**

הַאי מִיבָּעֵי לֵיהּ לְגוּפֵיהּ! אִם כֵּן, לִיכְתּוֹב: ״לֹא תִשְׁחוֹט״, מַאי ״לֹא תִשְׁחָטוּ״?

The Gemara challenges: **That** verse **is necessary for** the prohibition **itself,** and it cannot be used to teach this additional *halakha*. The Gemara explains: **If so,** that the verse teaches only the prohibition against slaughtering an animal and its offspring in one day, **let** the Torah **write: You shall not slaughter** [*tishḥot*], in the singular. For **what** reason did the Torah write: **"You shall not slaughter** [*tishḥatu*]" (Leviticus 22:28), in the plural? It is to teach that two different people are prohibited from slaughtering, as explained earlier.

וְאַכַּתַּי מִיבָּעֵי לֵיהּ, דְּאִי כְּתַב רַחֲמָנָא ״לֹא תִשְׁחוֹט״ הֲוָה אָמֵינָא: חַד – אִין, תְּרֵי – לָא;

The Gemara challenges: **But, nevertheless,** the plural **is necessary, as had the Merciful One written** in the Torah: **You shall not slaughter** [*tishḥot*] in the singular, **I would say:** With regard to **one** person, **yes,** it is prohibited to slaughter an animal and its offspring in a single day, but with regard to **two,** it is **not** prohibited for one of them to slaughter the mother and the other to then slaughter the offspring on the same day.

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HALAKHA

If one unwittingly ate two olive-bulks of forbidden fat during one lapse of awareness – אָכַל שְׁנֵי זֵיתֵי חֵלֶב בְּהֶעְלֵם אֶחָד: If one eats two olive-bulks of forbidden fat during one lapse of awareness, he is liable to bring a single sin offering, in accordance with the mishna in *Karetot* 11b, as opposed to the opinion of Sumakhos (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 6:1).

כָּתַב רַחֲמָנָא: "לֹא תִשְׁחָטוּ" – וַאֲפִילּוּ תְּרֵי! אִם כֵּן, לִכְתּוֹב: "לֹא יִשָּׁחֲטוּ", תְּרֵי!

Therefore, **the Merciful One writes** in the Torah: "**You shall not slaughter** [*tishḥatu*]," in the plural, indicating that **even two** individuals may not slaughter an animal and its offspring in a single day. The Gemara answers: **If so,** that only this is derived from the verse, **let** the Torah **write: They shall not be slaughtered,** indicating that whether by one individual or two, the slaughter of an animal and its offspring in a single day is prohibited, but only the one who slaughters the offspring has violated the prohibition.

מַאי "לֹא תִשְׁחָטוּ"? שְׁמַע מִינָּהּ תַּרְתֵּי.

What is meant by: "**You shall not slaughter,**" which indicates that two different people are prohibited from slaughtering? **Conclude two** conclusions **from it:** Conclude that the prohibition applies even if two people perform the two acts of slaughter, and that two cases are prohibited: Slaughtering the offspring after the mother, and slaughtering the mother after the offspring.

"שְׁחָטָהּ וְאֶת בַּת בִּתָּהּ". אֲמַר לֵיהּ אַבַּיֵי לְרַב יוֹסֵף: מַאי טַעְמָא דְּסוּמְכוֹס?

§ The mishna teaches: If **one slaughtered** the mother **and its daughter's daughter** and thereafter slaughtered its daughter, he incurs the forty lashes. Sumakhos says in the name of Rabbi Meir: He incurs eighty lashes, because by slaughtering the daughter, he transgresses twice the prohibition of: Itself and its offspring. **Abaye said to Rav Yosef: What is the reasoning** for the opinion **of Sumakhos** that the transgressor incurs eighty lashes?

קָא סָבַר סוּמְכוֹס: אָכַל שְׁנֵי זֵיתֵי חֵלֶב בְּהֶעְלֵם אֶחָד – חַיָּיב שְׁתֵּי חַטָּאוֹת.

Does Sumakhos hold, in general, that if **one** unwittingly **ate two olive-bulks of** forbidden **fat during one lapse of awareness**[H] he is **liable** to bring **two sin offerings,** since he transgressed the prohibition twice? If so, then in a case where one is forewarned that if he transgresses intentionally he will receive lashes and he then violates the same prohibition twice, as is the case in the mishna, he receives two sets of lashes.

וּבְדִין הוּא דְּלִישְׁמְעִינַן בְּעָלְמָא, וְהַאי דְּקָא מַשְׁמַע לָן בְּהָא – לְהוֹדִיעֲךָ כֹּחָן דְּרַבָּנַן, דְּאַף עַל גַּב דְּגוּפִין מוּחְלָקִין – פָּטְרִי רַבָּנַן?

And by right the mishna **should have informed us** of Sumakhos's opinion **in a general** case, such as that of eating two olive-bulks of forbidden fat during a single lapse of awareness, **but** the reason **that it teaches us** this dispute **in this** situation, where one slaughters an animal and its daughter's offspring and, later that day, slaughters its daughter, is **to convey to you the far-reaching nature of** the opinion of **the Rabbis, that even though** the two animals that caused the daughter to be forbidden are **separate entities, the Rabbis** still **exempt** the transgressor from a second set of lashes.

אוֹ דִּלְמָא, קָסָבַר סוּמְכוֹס: אָכַל שְׁנֵי זֵיתֵי חֵלֶב בְּהֶעְלֵם אֶחָד – אֵינוֹ חַיָּיב אֶלָּא אַחַת, וְהָכָא הֵיינוּ טַעְמָא: הוֹאִיל וְגוּפִין מוּחְלָקִין? אֲמַר לֵיהּ: אִין, קָסָבַר אָכַל שְׁנֵי זֵיתֵי חֵלֶב בְּהֶעְלֵם אֶחָד – חַיָּיב שְׁתֵּי חַטָּאוֹת.

Or perhaps, Sumakhos holds in general that if **one ate two olive-bulks of** forbidden **fat during one lapse of awareness,** he is **liable** to bring **only one** sin offering. If so, one who transgresses intentionally after being forewarned receives only one set of lashes even if he transgresses the same prohibition twice. **But here,** in the mishna, **this is the reason** that the transgressor receives two sets of lashes: It is **that** the two animals that caused the daughter to be prohibited are **separate entities.**[N] Rav Yosef **said to** Abaye: **Yes,** Sumakhos **holds** in general that if **one ate two olive-bulks of** forbidden **fat during one lapse of awareness** he is **liable** to bring **two sin offerings.**

NOTES

Or perhaps Sumakhos holds…that the animals are separate entities – אוֹ דִּלְמָא קָסָבַר סוּמְכוֹס...הוֹאִיל וְגוּפִין מוּחְלָקִין: In the final clause of the mishna, where Sumakhos holds that one receives eighty lashes, the case deals not only with separate entities but also with separate prohibitions: Itself and its offspring, and: Its offspring and itself. Nevertheless, the Gemara here may not have mentioned separate prohibitions because the *Tosefta* (5:7) notes that with regard to the first clause of the mishna, where one slaughters two of the offspring and then the mother, and there is only one prohibition involved, Sumakhos holds that one receives eighty lashes as well (see *Karetot* 15a). Rabbeinu Gershom Meor HaGola interprets the phrase: Separate entities, as meaning separate prohibitions, and that interpretation fits well in the continuation of this discussion in the Gemara (see *Maharam Lublin* on 83a).

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מִמַּאי? מִדְּתָנֵן: הַזּוֹרֵעַ כִּלְאַיִם כִּלְאַיִם – לוֹקֶה. מַאי לוֹקֶה? אִילֵימָא לוֹקֶה אַחַת – פְּשִׁיטָא! וְעוֹד, מַאי ״כִּלְאַיִם כִּלְאַיִם״? אֶלָּא פְּשִׁיטָא: שְׁתֵּי מַלְקִיּוֹת.

The Gemara asks: **From where** does Rav Yosef derive this? He derives it **from that which we learn** in a *baraita*: **One who sows diverse kinds, diverse kinds,**[B] i.e., he twice sows grain together with grape seeds, is **flogged** for violating the prohibition of diverse kinds. The Gemara asks: **What** is meant by: Is **flogged? If we say** it means that he is **flogged one** set of lashes, this is **obvious. And additionally,** if he receives only one set of lashes, **what** is the reason that the case of: Sowing **diverse kinds** twice, is mentioned, where he transgressed twice? Even if he transgressed only once, he receives lashes. **Rather,** it is **obvious** that he receives **two** sets of **lashes.**

בְּמַאי עָסְקִינַן? אִילֵימָא בָּזֶה אַחַר זֶה וּבִשְׁתֵּי הַתְרָאוֹת – תָּנֵינָא: נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ: אַל תִּשְׁתֶּה! וְהוּא שׁוֹתֶה, אַל תִּשְׁתֶּה! וְהוּא שׁוֹתֶה – חַיָּיב עַל כָּל אַחַת וְאַחַת! אֶלָּא פְּשִׁיטָא: בְּבַת אַחַת וּבְהַתְרָאָה אַחַת.

The Gemara asks: **What are we dealing with? If we say** that we are dealing with a case **where** one violates the prohibition twice, **one** time **after the other and with two** separate **forewarnings,** it is unnecessary for the *baraita* to teach this, as **we** already **learn** it in a mishna (*Nazir* 42a): **A nazirite**[B] **who was drinking wine all day**[H] **is liable** to receive **only one** set of lashes. If onlookers **said to him: Do not drink, do not drink,** forewarning him several times, **and he drinks** after each forewarning, he is **liable** to receive lashes **for each and every** drink. **Rather,** it is **obvious** that he violated the prohibition twice **at the same time and with a single forewarning,** i.e., after he was forewarned he sowed wheat together with a grape seed with one hand, and barley together with a grape seed with the other hand, and he receives two sets of lashes.

מַנִּי? אִילֵימָא רַבָּנַן דְּפְלִיגִי עֲלֵיהּ דְּסוּמָכוֹס; הָשְׁתָּא, וּמָה הָתָם דְּגוּפִין מוּחְלָקִין – פָּטְרִי רַבָּנַן, הָכָא – לֹא כָּל שֶׁכֵּן?

The Gemara asks: In accordance with **whose** opinion is this *baraita*? **If we say** it is in accordance with the opinion of **the Rabbis who disagree with Sumakhos** in the mishna, who hold that one who slaughters an animal and its daughter's offspring and, later that day, slaughters its daughter receives only one set of lashes, that would not be reasonable: **Now, if there,** in the mishna, **where** there are animals that are **separate entities, the Rabbis exempt** him from a second set of lashes, since he violated a single prohibition with a single forewarning; **here,** in the *baraita* with regard to diverse kinds, where, unlike animals, seeds are not considered separate entities (see 83a), if one sows diverse kinds twice at the same time, should they **not all the more so** exempt him from a second set of lashes?

אֶלָּא לָאו סוּמָכוֹס הִיא! לָא, לְעוֹלָם רַבָּנַן, וּמִילְּתָא אַגַּב אוֹרְחֵיהּ קָא מַשְׁמַע לָן – דְּאִיכָּא תְּרֵי גַּוְונֵי כִּלְאַיִם,

Rather, is it not that the ruling of the *baraita* with regard to diverse kinds **is** in accordance with the opinion of **Sumakhos** and teaches that, even with a single entity, one who violates the same prohibition twice receives two sets of lashes? The Gemara responds: **No, actually** the *baraita* with regard to diverse kinds is in accordance with the opinion of **the Rabbis,** and he was forewarned before each act of sowing, which is why he receives two sets of lashes. **And** although this statement is redundant, by repeating the phrase: Diverse kinds, **it teaches us a matter in passing: That there are two categories of** the prohibition of **diverse kinds:** Sowing wheat together with grape seed and sowing barley together with grape seed.

וּלְאַפּוּקֵי מִדְּרַבִּי יֹאשִׁיָּה. דְּאָמַר רַבִּי יֹאשִׁיָּה: עַד שֶׁיִּזְרַע חִטָּה וּשְׂעוֹרָה וְחַרְצָן בְּמַפּוֹלֶת יָד, קָא מַשְׁמַע לָן דְּכִי זָרַע חִטָּה וְחַרְצָן, וּשְׂעוֹרָה וְחַרְצָן – נַמִּי מְחַיַּיב.

And the *baraita* serves **to exclude** the opinion **of Rabbi Yoshiya,**[N] **as Rabbi Yoshiya says:** One who sows diverse kinds is not liable by Torah law **until he sows wheat, and barley, and** grape **seed with a single hand motion,**[HN] i.e., by sowing in the vineyard he violates the prohibition of diverse kinds that applies to seeds and to the vineyard simultaneously. Therefore, **it teaches us that when one sows** only **wheat and** grape **seed, or** only **barley and** grape **seed, he is liable as well.** Consequently, a source clarifying Sumakhos's opinion in a case where one violates the same prohibition twice during a single lapse of awareness, or with only a single forewarning when one violated the prohibition intentionally, has not been found.

HALAKHA

A nazirite who was drinking wine all day – נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם: In the case of a nazirite who was drinking wine all day, even if he drank several quarter-*log* of wine, if he was forewarned only once, he is liable to receive only one set of lashes. If he received a forewarning for each quarter-*log*, he is liable to receive lashes for each quarter-*log* that he drank (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10).

Wheat and barley and grape seed with a single hand motion – חִטָּה וּשְׂעוֹרָה וְחַרְצָן בְּמַפּוֹלֶת יָד: If one sows two types of grain, or two types of vegetable seed, together with a grape seed, he receives two sets of lashes: One for violating: "You shall not sow your field with diverse kinds" (Leviticus 19:19), and one for violating: "You shall not sow your vineyard with diverse kinds" (Deuteronomy 22:9). He receives lashes for the latter violation only if he sows wheat, barley, and grape seed with a single hand motion, in accordance with the opinion of Rabbi Yoshiya (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 5:1–2, and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 296:1).

NOTES

To exclude the opinion of Rabbi Yoshiya – וּלְאַפּוּקֵי מִדְּרַבִּי יֹאשִׁיָּה: The explanation given in the commentary follows Rashi. According to Rashi, Rabbi Yoshiya holds that one is liable to receive lashes for violating the prohibition of: Diverse kinds in the vineyard, only if one sows wheat, barley, and grape seed together, while the Rabbis hold him liable even if he sows only wheat and grape seed, or only barley and grape seed. None of this relates to the prohibition against sowing diverse kinds of grain, with regard to which Rabbi Yoshiya agrees with the Rabbis that the transgressor is liable even if he sows only wheat and barley together (*Tosafot*). This explanation is in contrast to Rashi's explanation in *Bekhorot* (54a), where he says that Rabbi Yoshiya holds that sowing two different types of grain together is not prohibited.

Tosafot question the explanation of Rashi here, as it is difficult to refer to the act of sowing wheat and grape seed together and the act of sowing barley and grape seed together as two separate categories of the prohibition of diverse kinds, as these actions are not fundamentally different. *Tosafot* therefore explain that the two categories are: Sowing wheat and barley together, and sowing wheat and grape seed together. If one performs both of those actions, he violates the two prohibitions of sowing diverse kinds of grain and sowing diverse kinds in a vineyard according to the Rabbis, but according to Rabbi Yoshiya, he violates only one, that of sowing diverse kinds of grain.

There are also early commentaries who maintain that although Rabbi Yoshiya does not hold that one receives lashes for sowing a single type of grain along with grape seed, he does hold that it violates a prohibition (Rambam; Ra'avad).

Until he sows wheat and barley and grape seed with a single hand motion – עַד שֶׁיִּזְרַע חִטָּה וּשְׂעוֹרָה וְחַרְצָן בְּמַפּוֹלֶת יָד: Rabbi Yoshiya derives his opinion from the verse: "You shall not sow your vineyard with diverse kinds" (Deuteronomy 22:9), which indicates that you must not sow two types of seed that are of diverse kinds together with a vineyard seed, i.e., grape seed (*Tosafot*, citing the Jerusalem Talmud).

BACKGROUND

Diverse kinds – כִּלְאַיִם: It is prohibited to plant different species of crops in one area of a single field or to graft different species of trees onto one another (see Leviticus 19:19).

Nazirite – נָזִיר: As detailed in the Torah (Numbers 6:1–21), one who takes a vow of naziriteship must refrain from eating or drinking anything derived from a grape, especially wine. In addition, he must avoid becoming ritually impure with impurity imparted by a corpse and must refrain from cutting his hair. A nazirite who violates any of these prohibitions is subject to receive lashes. One can vow to be a nazirite for any period of time that he wishes, but the minimum term of naziriteship is thirty days. The *halakhot* of the nazirite are discussed in tractate *Nazir*.

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תָּא שְׁמַע: אָכַל מִזֶּה כַּזַּיִת וּמִזֶּה כַּזַּיִת – סוֹפֵג שְׁמוֹנִים, רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים. הֵיכִי דָּמֵי? אִילֵימָא בָּזֶה אַחַר זֶה וּבִשְׁתֵּי הַתְרָאוֹת – מַאי טַעְמָא דְּרַבִּי יְהוּדָה? הַתְרָאַת סָפֵק הִיא, וְשָׁמְעִינַן לֵיהּ לְרַבִּי יְהוּדָה דְּאָמַר: הַתְרָאַת סָפֵק לָא שְׁמָהּ הַתְרָאָה!

The Gemara suggests: **Come** and **hear** a resolution from a mishna with regard to the prohibition against eating from the sciatic nerve (96a): If **one ate an olive-bulk from this** sciatic nerve in the right leg of an animal, **and an olive-bulk from that** sciatic nerve in the left leg of the same animal, he **incurs eighty** lashes. **Rabbi Yehuda says:** He **incurs only forty** lashes. The Gemara analyzes the mishna: **What are the circumstances? If we say** that he ate them **one after the other and with two** separate **forewarnings, what is the reason** for the opinion **of Rabbi Yehuda?** According to Rabbi Yehuda, **it is an uncertain forewarning,** as Rabbi Yehuda is uncertain whether the prohibition against eating from the sciatic nerve applies to the sciatic nerve of the right thigh or that of the left thigh (see 90b). **And we have heard that Rabbi Yehuda says: An uncertain forewarning is not considered a forewarning.**

דְּתַנְיָא: הִכָּה אֶת זֶה וְחָזַר וְהִכָּה אֶת זֶה, קִלֵּל אֶת זֶה וְחָזַר וְקִלֵּל אֶת זֶה, אוֹ שֶׁהִכָּה שְׁנֵיהֶם בְּבַת אַחַת, אוֹ שֶׁקִּלֵּל שְׁנֵיהֶם בְּבַת אַחַת – חַיָּיב.

As it is taught in a *baraita*: If one is uncertain which of two men is his father, and he **struck this** man **and then struck that** man, or **cursed this** man **and then cursed that** man, **or struck both of them simultaneously,** or **cursed both of them simultaneously,** in all these cases he is **liable** for violating the prohibition of: "And he that strikes his father, or his mother, shall be put to death" (Exodus 21:15), or that of: "And he that curses his father, or his mother, shall be put to death" (Exodus 21:17), as one of them is certainly his father.

רַבִּי יְהוּדָה אוֹמֵר: בְּבַת אַחַת – חַיָּיב, בָּזֶה אַחַר זֶה – פָּטוּר! אֶלָּא פְּשִׁיטָא – בְּבַת אַחַת וּבְהַתְרָאָה אַחַת.

Rabbi Yehuda says: Although if he struck or cursed both of them **simultaneously** he is **liable,** if he struck or cursed them **one after the other,** he is **exempt,** as each time he strikes or curses one of them he receives an uncertain forewarning, as perhaps this man is not his father, and one is liable only after receiving a definite forewarning. Consequently, if one was forewarned before eating from the sciatic nerve from the right leg, and afterward he was forewarned before eating from the sciatic nerve from the left leg, he would similarly be exempt as each of the forewarnings was uncertain. **Rather,** it is **obvious** that the case in the mishna is one where he partook of the two sciatic nerves **simultaneously and with a single forewarning,** and therefore, he incurs only forty lashes according to Rabbi Yehuda.

וּמַאן תַּנָּא קַמָּא? אִילֵימָא רַבָּנַן דִּפְלִיגִי עֲלֵיהּ דְּסוּמָכוֹס; הָשְׁתָּא, וּמָה הָתָם דִּגּוּפִין מוּחְלָקִין – פָּטְרִי רַבָּנַן, הָכָא – לֹא כָּל שֶׁכֵּן? אֶלָּא לָאו סוּמָכוֹס הִיא!

And who is the first *tanna* who holds that in such a case one receives eighty lashes? **If we say** that it is **the Rabbis who disagree with Sumakhos** in the mishna about the prohibition of: Itself and its offspring, that would conflict with their opinion: **Now, if there,** in the case of the mishna that discusses various animals **that** are **separate entities, the Rabbis deem** him **exempt** from a second set of lashes, **here,** in the mishna that discusses the sciatic nerve, where there are no separate animals, should they **not all the more so** exempt him from a second set of lashes? **Rather, is** the mishna **not** in accordance with the opinion of **Sumakhos?** Consequently, in his opinion one who eats the same prohibited item, such as an olive-bulk of forbidden fat, twice after a single forewarning receives two sets of lashes.

לָא, לְעוֹלָם – בָּזֶה אַחַר זֶה, וְרַבָּנַן; וְהַאי תַּנָּא סָבַר לָהּ כְּאִידָךְ תַּנָּא דְּרַבִּי יְהוּדָה,

The Gemara responds: **No, actually** the case is one where he ate from the two sciatic nerves **one after the other** and received separate forewarnings, **and** the first opinion in that mishna is that of **the Rabbis** who disagree with Sumakhos with regard to: Itself and its offspring. **And** as for the difficulty that Rabbi Yehuda does not render one liable if the forewarning is an uncertain one, **this *tanna* holds in accordance with** the opinion of **another *tanna*** with regard to the opinion **of Rabbi Yehuda.**

דְּאָמַר: הַתְרָאַת סָפֵק שְׁמָהּ הַתְרָאָה. דְּתַנְיָא: "לֹא תוֹתִירוּ מִמֶּנּוּ עַד בֹּקֶר וְהַנּוֹתָר מִמֶּנּוּ עַד בֹּקֶר בָּאֵשׁ תִּשְׂרֹפוּ".

As that other *tanna* **says** that Rabbi Yehuda holds: **An uncertain forewarning is considered a forewarning, as it is taught** in a *baraita*: The verse states with regard to the Paschal offering: "And **you shall not leave any of it until morning; but that which remains of it until morning you shall burn with fire"** (Exodus 12:10).

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בָּא הַכָּתוּב לִיתֵּן עֲשֵׂה אַחַר לֹא תַּעֲשֶׂה, לוֹמַר שֶׁאֵין לוֹקִין עָלָיו, דִּבְרֵי רַבִּי יְהוּדָה.

The verse comes to provide a positive mitzva to burn the leftovers, in the second part of the verse that states: "But that which remains of it until morning you shall burn with fire." This positive mitzva is stated **after the prohibition**[H] against leaving it over was stated in the first part of the verse, **to say that one is not flogged**[N] **for** transgressing the prohibition. This is because any prohibition that can be rectified by the performance of a positive mitzva does not carry a punishment of lashes. This is **the statement of Rabbi Yehuda.** If not for this reason, Rabbi Yehuda evidently would hold that he receives lashes. The forewarning given in this case is uncertain, as he must be forewarned before morning, and at that time he might still consume it.

רַבִּי יַעֲקֹב אוֹמֵר: לֹא מִן הַשֵּׁם הוּא זֶה, אֶלָּא מִשּׁוּם דְּהָוֶה לֵיהּ לָאו שֶׁאֵין בּוֹ מַעֲשֶׂה, וְכָל לָאו שֶׁאֵין בּוֹ מַעֲשֶׂה – אֵין לוֹקִין עָלָיו.

Rabbi Ya'akov says: This is not for that **reason** [*hashem*].[L] **Rather,** it is **because it is a prohibition that does not involve an action.** The transgression is simply the failure to consume all the meat during the allotted time rather than the performance of an action. **And one is not flogged for** the violation of **any prohibition that does not involve an action.**

תָּא שְׁמַע: אָכַל שְׁנֵי גִידִין מִשְּׁתֵּי יְרֵכוֹת מִשְּׁתֵּי בְּהֵמוֹת – סוֹפֵג שְׁמוֹנִים, רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים. הֵיכִי דָּמֵי? אִילֵימָא בָּזֶה אַחַר זֶה וּבִשְׁתֵּי הַתְרָאוֹת – מַאי טַעְמָא דְּרַבִּי יְהוּדָה, דְּאָמַר: אַרְבָּעִים וְתוּ לָא? אֶלָּא פְּשִׁיטָא – בְּבַת אַחַת וּבְהֶתְרֵא הַתְרָאָה.

The Gemara suggests: **Come** and **hear** a resolution with regard to the opinion of Sumakhos from a *baraita* discussing the sciatic nerve: If **one ate two** sciatic **nerves from two thighs**[H] **of two** different **animals,** he **incurs** the penalty of **eighty** lashes; **Rabbi Yehuda says:** He **incurs only forty** lashes. The Gemara asks: **What are the circumstances** in this case? **If we say** that he ate them **one after the other and with two** separate **forewarnings, what is the reasoning of** the opinion **of Rabbi Yehuda, who says:** The violator receives **forty** lashes **and nothing more?** After all, he violates two separate prohibitions with two separate forewarnings. **Rather,** it is **obvious** that he ate them **at the same time and with a single forewarning.**

מַאן תַּנָּא קַמָּא? אִילֵימָא רַבָּנַן דְּפְלִיגִי עֲלֵיהּ דְּסוּמְכוֹס; וּמָה הָתָם דְּגוּפִין מוּחְלָקִין – פָּטְרִי רַבָּנַן, הָכָא לֹא כָּל שֶׁכֵּן? אֶלָּא לָאו סוּמְכוֹס הִיא!

Who is the first *tanna*, who holds that in such a case one receives eighty lashes? **If we say** that it is **the Rabbis who disagree with Sumakhos** in the mishna about: Itself and its offspring, that would contradict their opinion: Now, **if there,** in that mishna in a case **where** there are various animals that are **separate entities, the Rabbis deem** him **exempt** from a second set of lashes, **here,** in the *baraita* about two sciatic nerves, which are not separate entities, should they **not all the more so** deem him exempt from a second set of lashes? **Rather, is it not Sumakhos** who is the first *tanna*? Consequently, in his opinion one who eats the same prohibited item, such as an olive-bulk of forbidden fat, twice after a single forewarning receives two sets of lashes.

לְעוֹלָם בָּזֶה אַחַר זֶה. וּדְקָאַמַּרְתְּ: מַאי טַעְמָא דְּרַבִּי יְהוּדָה – כְּגוֹן דְּלֵית בֵּיהּ כַּזַּיִת, דְּתַנְיָא: אָכָלוֹ וְאֵין בּוֹ כַּזַּיִת – חַיָּיב, רַבִּי יְהוּדָה אוֹמֵר: עַד שֶׁיְּהֵא בּוֹ כַּזַּיִת.

The Gemara responds: **Actually,** he ate the two sciatic nerves **one after the other** with separate forewarnings, incurring two sets of lashes even according to the Rabbis who disagree with Sumakhos in the mishna about: Itself and its offspring. **And** as for **that which you say: What is the reason of Rabbi Yehuda** who holds that the transgressor incurs only a single set of lashes? This is a case **where** the volume of one of the sciatic nerves **is not** even **an olive-bulk,** and Rabbi Yehuda follows his line of reasoning, **as it is taught** in a *baraita*: If **one ate** the entire sciatic nerve, **and** its volume **is not** even **an olive-bulk,** he is **liable** to incur forty lashes;[N] **Rabbi Yehuda says:** He is not liable **unless it has** a volume of at least **an olive-bulk.**

HALAKHA

The verse comes to provide a positive mitzva after the prohibition – בָּא הַכָּתוּב לִיתֵּן עֲשֵׂה אַחַר לֹא תַּעֲשֶׂה: One who leaves over meat from an offering beyond the period when it must be eaten is not flogged, as the Torah joined a positive mitzva of burning the leftover meat to the prohibition, to indicate that one does not receive lashes for violating it (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:9, and see *Kesef Mishne* there).

If one ate two sciatic nerves from two thighs – אָכַל שְׁנֵי גִידִין מִשְּׁתֵּי יְרֵכוֹת: If one ate an olive-bulk from the sciatic nerve of the right leg and an olive-bulk from the sciatic nerve of the left leg, or two whole sciatic nerves regardless of their volume, he is flogged with eighty lashes. This is the *halakha* only if the violator was forewarned twice, but if he was forewarned only once, he is flogged with only forty lashes, in accordance with the opinions of the Rabbis who disagree with Rabbi Yehuda in the *baraita* and the Rabbis who disagree with Sumakhos in the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:3 and *Maggid Mishne* there, and *Hilkhot Ma'akhalot Assurot* 14:7).

NOTES

A positive mitzva is stated after the prohibition to say that one is not flogged – עֲשֵׂה אַחַר לֹא תַּעֲשֶׂה לוֹמַר שֶׁאֵין לוֹקִין: This is referred to as: A prohibition that entails the fulfillment of a positive mitzva. The Torah's requirement that one who leaves over meat from the Paschal offering must burn it indicates that this is the remedy and atonement for that transgression, and not lashes (see Rashi on *Shevuot* 3b).

If one ate the entire sciatic nerve and its volume is not even an olive-bulk he is liable – אֲכָלוֹ וְאֵין בּוֹ כַּזַּיִת חַיָּיב: In the opinion of this *tanna* the sciatic nerve is considered a distinct entity, the consumption of which renders one liable, even if its volume is not an olive-bulk (see *Makkot* 13a).

LANGUAGE

Reason [*shem*] – שֵׁם: In this expression: This is not for that reason, the word: Reason, is actually the Hebrew word for name [*shem*]. This is because the name of an item is often used to understand its essence. Therefore, the expression: This is not for that reason, means that a certain idea is not the true root or reason of the matter. In this context, Rabbi Ya'akov means that the fact that one does not receive lashes for leaving over a portion of an offering is not because it is a prohibition that entails the fulfillment of a mitzva; rather, it is for a different reason.

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HALAKHA

On four occasions during the year one who sells an animal to another is required to inform him – בְּאַרְבָּעָה פְּרָקִים בַּשָּׁנָה הַמּוֹכֵר בְּהֵמָה לַחֲבֵירוֹ צָרִיךְ לְהוֹדִיעוֹ: On four days of the year one who sells an animal must notify the buyer that he sold its mother or its offspring for slaughter so that the buyer will refrain from slaughtering it until the next day. These days are: The eve of *Shemini Atzeret*, the eve of the first festival day of Passover, the eve of *Shavuot*, and the eve of Rosh HaShana, in accordance with the opinion of the first *tanna* in the mishna, as opposed to Rabbi Yosei HaGelili. If the buyer was not notified, he may slaughter his animal without concern, whether he bought it from a Jew or a gentile, and if he discovers afterward that its mother or its offspring was slaughtered on that same day, his purchase is considered a mistaken transaction. This applies only when both mother and offspring are sold on the same day, but if they were sold on different days, the seller does not need to inform the buyer, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:14–15, and see Ra'avad there; *Shulḥan Arukh*, *Yoreh De'a* 16:6).

One sells the mother animal to the groom and the offspring to the bride – מוֹכֵר אֶת הָאֵם לֶחָתָן וְאֶת הַבַּת לַכַּלָּה: One who sells an animal to the groom and its offspring or its mother to the bride, even on two separate days, must notify them, as they are certainly planning to slaughter them on the same day, the day of their wedding. Nowadays, there is no need to notify them if they bought the animals on different days, as people are accustomed to slaughter animals a few days in advance (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:16; *Shulḥan Arukh*, *Yoreh De'a* 16:6 and *Shakh* there).

One compels the butcher to slaughter animals even against his will – מַשְׁחִיטִין אֶת הַטַּבָּח בְּעַל כָּרְחוֹ: On the four occasions listed in the mishna the butcher is compelled to slaughter an animal in order to sell meat to the buyer, even if the buyer paid for only a dinar's worth of meat and the animal is worth one hundred dinars. Therefore, if the animal dies after the buyer paid the butcher, the buyer loses his money, because in this case the Sages based their decrees on the Torah law that giving money effects acquisition, in accordance with the opinion of Rabbi Yoḥanan. In addition, the Rema states that the same applies with regard to other mitzvot, such as purchasing wine for *kiddush* on Shabbat (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 9:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 199:3).

מתני׳ בְּאַרְבָּעָה פְּרָקִים בַּשָּׁנָה הַמּוֹכֵר בְּהֵמָה לַחֲבֵירוֹ צָרִיךְ לְהוֹדִיעוֹ: ״אִמָּהּ מָכַרְתִּי לִשְׁחוֹט״, ״בִּתָּהּ מָכַרְתִּי לִשְׁחוֹט״, וְאֵלּוּ הֵן: עֶרֶב יוֹם טוֹב הָאַחֲרוֹן שֶׁל חַג, וְעֶרֶב יוֹם טוֹב הָרִאשׁוֹן שֶׁל פֶּסַח, וְעֶרֶב עֲצֶרֶת, וְעֶרֶב רֹאשׁ הַשָּׁנָה; וּכְדִבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי – אַף עֶרֶב יוֹם הַכִּפּוּרִים בַּגָּלִיל.

MISHNA On four occasions during the year one who sells an animal to another is required to inform him:[H] I sold the mother of this animal today for the buyer **to slaughter** it, or: **I sold the daughter of** this animal today for the buyer **to slaughter** it. **And those** four occasions **are: The eve of the last day of the festival** of *Sukkot*,[N] **the eve of the first day of the festival of Passover, and the eve of *Shavuot*, and the eve of Rosh HaShana. And according to the statement of Rabbi Yosei HaGelili, the eve of Yom Kippur in the Galilee** is included **as well.**[N]

אָמַר רַבִּי יְהוּדָה: אֵימָתַי? בִּזְמַן שֶׁאֵין לוֹ רֶיוַח, אֲבָל יֵשׁ לוֹ רֶיוַח – אֵין צָרִיךְ לְהוֹדִיעוֹ. וּמוֹדֶה רַבִּי יְהוּדָה, בְּמוֹכֵר אֶת הָאֵם לֶחָתָן וְאֶת הַבַּת לַכַּלָּה – שֶׁצָּרִיךְ לְהוֹדִיעוֹ, בְּיָדוּעַ שֶׁשְּׁנֵיהֶם שׁוֹחֲטִין בְּיוֹם אֶחָד.

Rabbi Yehuda said: When must he inform the buyer on those days? He must do so **at a time when** the seller **has no interval**[N] between the sale of the mother and the offspring, as they were both sold on that day. **But** if the seller **has an interval** between the sales, **he does not need to inform** the buyer, as presumably each buyer purchased the animal to slaughter it on the day he purchased it. **And Rabbi Yehuda concedes** that in a case **where one sells the mother** animal **to the groom and the offspring to the bride,**[H] **that** even if he did not sell them on the same day, **he must inform** the buyer, as it is **obvious that they are both** planning to **slaughter** their animal **on one day,** for their wedding feast.

בְּאַרְבָּעָה פְּרָקִים אֵלּוּ מַשְׁחִיטִין אֶת הַטַּבָּח בְּעַל כָּרְחוֹ; אֲפִילּוּ שׁוֹר שָׁוֶה אֶלֶף דִּינָרִים, וְאֵין לוֹ לַלּוֹקֵחַ אֶלָּא דִּינָר – כּוֹפִין אוֹתוֹ לִשְׁחוֹט; לְפִיכָךְ, אִם מֵת – מֵת לַלּוֹקֵחַ. אֲבָל בִּשְׁאָר יְמוֹת הַשָּׁנָה אֵינוֹ כֵּן; לְפִיכָךְ, אִם מֵת – מֵת לַמּוֹכֵר.

On those four occasions, one compels the butcher to slaughter animals even **against his will;**[H] **even if** there is **a bull worth one thousand dinars and the buyer has only one dinar** worth of meat, i.e., he already paid the butcher for one dinar's worth of meat, **one compels him to slaughter** the animal and give him a dinar's worth of meat. **Therefore, if** the bull **dies** before slaughter, although no act of acquisition was performed, **it dies at** the expense **of the buyer,** and he loses his dinar. **But during the rest of the days of the year it is not so.** On other days, until the buyer performs the act of pulling to assume ownership of the portion of the bull that he is purchasing, the bull remains in the butcher's possession. **Therefore, if** the bull **dies** before the transaction is complete, **it dies at** the expense of **the seller,** who returns the buyer's money.

NOTES

The eve of the last day of the festival of *Sukkot* – עֶרֶב יוֹם טוֹב הָאַחֲרוֹן שֶׁל חַג: The eve of the first day of *Sukkot* is not included, as there is no time for large meals since everyone is busy building the *sukka* and obtaining a *lulav* and four species. Furthermore, the four occasions listed in the mishna are all times of special feasts: The last day of *Sukkot*, or the Eighth day of Assembly, is described as a Festival established by God due to His great love for the Jewish people, and it is customary to celebrate it with extra joy. Passover eve is likewise included in the joy of the festival of redemption, and there are additional peace offerings that are brought on that day. The eve of *Shavuot* is marked by a feast due to the giving of the Torah, and Rosh HaShana eve is celebrated with a special meal as an auspicious start to the year.

The eve of Yom Kippur in the Galilee as well – אַף עֶרֶב יוֹם הַכִּפּוּרִים בַּגָּלִיל: The custom in the Galilee was to have large meals on Yom Kippur eve, as the Sages say that whoever eats on Yom Kippur eve is considered as though he fasted both on that day and on the following day. Though Jews in other places would also enlarge their meals on the eve of Yom Kippur, they would focus upon eating fowl and fish rather than beef, as they are lighter foods (*Tosafot*).

At a time when the seller has no interval – בִּזְמַן שֶׁאֵין לוֹ רֶיוַח: This statement of Rabbi Yehuda means that if both mother and offspring are sold on the same day, the seller must notify the buyer of the second animal that the first was sold that day. But if there is an interval, such as when the first animal is sold a day or two before the second, he does not need to notify the buyer, since the first animal may have been slaughtered on a previous day (Rashi), as ordinarily one slaughters an animal on the day he buys it (Meiri).

Some commentaries interpret the statement of Rabbi Yehuda as referring specifically to the eve of Yom Kippur in the Galilee, as one who buys an animal then must slaughter it on that day, as he cannot slaughter the animal on the Festival. On the eve of any other Festival, the seller need not notify the buyer if the other animal was bought that day as well, since it can be slaughtered on the Festival itself (Ramban).

The Rambam interprets all of the references to whether the seller has an interval or not as referring to an interval on the eve of a Festival. Consequently, he maintains that the phrase: Has no interval, means that the animal was sold near the end of the day, indicating that the buyer is hurrying to obtain an animal to slaughter that very day; while the phrase: Has an interval, means that the animal was sold early in the day, indicating that the buyer is not necessarily buying it for immediate slaughter. The phraseology of the mishna seems to support this interpretation, as there is a principle that whenever Rabbi Yehuda uses the word: When, in a mishna, he is interpreting the opinion of the Rabbis who preceded him (see *Eiruvin* 81b), and the Rabbis in this mishna refer specifically to sales occurring on the eve of a Festival (Rashba). It should be noted that in *Halakhot Gedolot*, the word: When, is not part of the text of this mishna.

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גמ׳ תָּנָא: אִם לֹא הוֹדִיעוֹ – הוֹלֵךְ וְשׁוֹחֵט וְאֵינוֹ נִמְנָע.

GEMARA The mishna teaches that on the four occasions mentioned it is the seller's responsibility to inform the purchaser that the mother or offspring of the animal he is purchasing was sold that day. With regard to this it is **taught:** Consequently, the purchaser has no obligation to clarify the situation, and **if** the seller **did not inform him,** the purchaser **may go and slaughter** the animal he has purchased **and** need **not refrain** from doing so.[N]

״אָמַר רַבִּי יְהוּדָה אֵימָתַי״. לָמָּה לִי לְמֵימְתֵי: אֶת הָאֵם לְוָתָן וְאֶת הַבַּת לַכַּלָּה? מִלְּתָא אַגַּב אוֹרְחֵיהּ קָמַשְׁמַע לָן: דְּאוֹרַח אַרְעָא לְמִטְרַח בֵּי חֲתָנָא טְפֵי מִבֵּי כַלָּתָא.

The mishna teaches that **Rabbi Yehuda says: When** must he inform the buyer on those days? It then teaches: And Rabbi Yehuda concedes that in a case where one sold the mother animal to the groom and the offspring to the bride, even if he did not sell them on the same day, he must inform the buyer. The Gemara asks: **Why do I** need **to teach** that the butcher sold specifically **the mother** animal **to the groom and the offspring to the bride?** It could have taught: He sold one to the groom and the other to the bride. The Gemara answers: **It teaches us a related matter in passing, that** it is **proper conduct for the groom's household to exert more** effort **than the bride's household** in the marriage preparations. Therefore, the groom purchases the mother, the larger animal, while the bride purchases the smaller animal, the offspring.

״בְּאַרְבָּעָה פָּרָקִים אֵלּוּ״. וְהָא לָא מָשַׁךְ! אֲמַר רַב הוּנָא אֲמַר רַב: כְּשֶׁמָּשַׁךְ. אִי הָכִי, אֵימָא סֵיפָא: אֲבָל בִּשְׁאָר יְמוֹת הַשָּׁנָה אֵינוֹ כֵּן, לְפִיכָךְ, אִם מֵת – מֵת לַמּוֹכֵר; וְהָא מָשַׁךְ!

§ The mishna teaches: **On those four occasions,** one compels the butcher to slaughter animals even against his will, and even if there is a bull worth one thousand dinars and the buyer has paid for only one dinar's worth of meat, one compels him to slaughter the animal. Therefore, if the bull dies before slaughter, it dies at the expense of the buyer. The Gemara challenges: **But** the buyer **did not** yet **pull** the animal to effect acquisition; consequently, although he paid the seller, the animal is not his. **Rav Huna said** that **Rav said:** The case is **where he pulled** it, and thereby acquired it. The Gemara asks: **If so, say the latter clause: But during the rest of the days of the year it is not so. Therefore, if** the bull **dies, it dies at** the expense of **the seller,** who returns the buyer's money. **But** according to Rav, **didn't** the buyer **pull** the animal? If so, why is its death at the expense of the seller?

אֲמַר רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק: לְעוֹלָם שֶׁלֹּא מָשַׁךְ, וּכְגוֹן שֶׁזִּיכָּה לוֹ עַל יְדֵי אַחֵר; בְּאַרְבָּעָה פָּרָקִים אֵלּוּ, דְּזִכּוּת הוּא לוֹ – זָכִין לְאָדָם שֶׁלֹּא בְּפָנָיו; בִּשְׁאָר יְמוֹת הַשָּׁנָה, דְּחוֹב הוּא לוֹ – אֵין חָבִין לְאָדָם שֶׁלֹּא בְּפָנָיו.

Rabbi Shmuel bar Rav Yitzḥak said: Actually, the case in the mishna is one **where** the buyer **did not pull** the animal, **and** it is a case **where** the seller **transfers ownership to** the customer **by means of another** person, i.e., by instructing another to acquire a dinar's worth of the ox's meat on the customer's behalf, without having obtained the customer's consent. Therefore, **on those four occasions, where it is for** the customer's **benefit,**[N] as he wants meat for the Festival, the principle: **One can act in a person's interest in his absence,** applies. By contrast, **during the rest of the days of the year, where it is to** the customer's **disadvantage** to acquire the meat before the bull is slaughtered, as he does not want to incur avoidable expenses, **one cannot act to the disadvantage** of another **person in his absence.** Therefore, if the bull dies, it is at the expense of the seller.

NOTES

If the seller did not inform him the purchaser may go and slaughter – אִם לֹא הוֹדִיעוֹ הוֹלֵךְ וְשׁוֹחֵט: According to the Ramban, this is the *halakha* only with regard to the four occasions mentioned in the mishna, as at those times the burden of notification is placed on the seller. During the rest of the year, the buyer must inquire about the situation so as not to place himself in a position of possibly violating a prohibition by Torah law. The Rashba maintains that during the rest of the year as well, as long as the seller did not notify him of any concern, the buyer may slaughter the animal whenever he wishes. This is because there are a number of uncertainties involved that support the assumption that he is not violating any prohibition: There may be no living mother or offspring of the animal purchased, if there is such an animal it may not have been sold, and if it was sold the purchaser may not want to slaughter it on that day.

On those four occasions where it is for his benefit – בְּאַרְבָּעָה פָּרָקִים אֵלּוּ דְּזִכּוּת הוּא לוֹ: The buyer acquires the meat and his money is acquired by the seller, even if it turns out that this choice was not in his best interest in the end, since at the moment the meat was procured for him it was certainly something he wanted (*Maḥane Efrayim*, *Hilkhot Zekhiya UMattana* 6, citing Rambam). The Meiri maintains that if the buyer discovers only afterward that the bull died before being slaughtered, and he wants his money back, he receives it.

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רַבִּי אֶלְעָזָר אוֹמֵר, אָמַר רַבִּי יוֹחָנָן: בְּאַרְבָּעָה פְּרָקִים אֵלּוּ הֶעֱמִידוּ חֲכָמִים דִּבְרֵיהֶם עַל דִּין תּוֹרָה.

Rabbi Elazar says that **Rabbi Yoḥanan says** that there is a different explanation: **On those four occasions the Sages based their statement on** the **Torah law** that giving money effects acquisition, and therefore, the payment of the buyer acquires the meat for him with no need for pulling.

דְּאָמַר רַבִּי יוֹחָנָן: דִּבְרֵי תוֹרָה – מָעוֹת קוֹנוֹת, וּמַה טַּעַם אָמְרוּ מְשִׁיכָה קוֹנָה? גְּזֵירָה שֶׁמָּא יֹאמַר לוֹ: "נִשְׂרְפוּ חִטֶּיךָ בַּעֲלִיָּתִי".

As Rabbi Yoḥanan says: By Torah law, giving **money effects** the **acquisition** of movable property with no need for pulling. **And what is the reason** that the Sages **said** that **pulling effects acquisition?** It is a rabbinic **decree lest** the seller, once he receives the money, be unconcerned about the welfare of the movable property that he has sold, and, for example, not protect it from fire, so that he **will say to** the buyer: **Your wheat was burned in the upper story** of my house[B] and I have no responsibility for it. For the benefit of rejoicing on the Festival, the Sages ordained that Torah law remains in effect on those four occasions and the buyer's money effects acquisition, and one compels the butcher to slaughter animals even against his will.

מתני׳ "יוֹם אֶחָד" הָאָמוּר בְּאוֹתוֹ וְאֶת בְּנוֹ – הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה. אֶת זוֹ דָּרַשׁ רַבִּי שִׁמְעוֹן בֶּן זוֹמָא, נֶאֱמַר בְּמַעֲשֵׂה בְרֵאשִׁית: "יוֹם אֶחָד", וְנֶאֱמַר בְּאוֹתוֹ וְאֶת בְּנוֹ: "יוֹם אֶחָד", מָה "יוֹם אֶחָד" הָאָמוּר בְּמַעֲשֵׂה בְרֵאשִׁית – הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה, אַף "יוֹם אֶחָד" הָאָמוּר בְּאוֹתוֹ וְאֶת בְּנוֹ – הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה.

MISHNA With regard to the phrase **"one day" that is stated with regard to** the prohibition against slaughtering an animal **itself and its offspring, the day follows the night.**[H] Therefore, one may slaughter an animal during the day and slaughter its offspring that night, but one may not slaughter an animal at night and slaughter its offspring the following day. **Rabbi Shimon ben Zoma derived this** by means of a verbal analogy. **It is stated in the act of Creation: "One day"** (Genesis 1:5), **and it is stated with regard to** the slaughter of an animal **itself and its offspring: "One day"** (Leviticus 22:28). **Just as** concerning the phrase **"one day" that is stated in the act of Creation, the day follows the night, so too** concerning the phrase **"one day" that is stated with regard to** the slaughter of an animal **itself and its offspring, the day follows the night.**

גמ׳ תָּנוּ רַבָּנַן, אֶת זוֹ דָּרַשׁ רַבִּי שִׁמְעוֹן בֶּן זוֹמָא: לְפִי שֶׁכָּל הָעִנְיָן כּוּלּוֹ אֵינוֹ מְדַבֵּר אֶלָּא בְּקָדָשִׁים, וּבְקָדָשִׁים לַיְלָה הוֹלֵךְ אַחַר הַיּוֹם, יָכוֹל אַף זֶה כֵּן? נֶאֱמַר כָּאן: "יוֹם אֶחָד", וְנֶאֱמַר בְּמַעֲשֵׂה בְרֵאשִׁית: "יוֹם אֶחָד", מָה "יוֹם אֶחָד" הָאָמוּר בְּמַעֲשֵׂה בְרֵאשִׁית – הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה, אַף "יוֹם" הָאָמוּר בְּאוֹתוֹ וְאֶת בְּנוֹ – הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה.

GEMARA **The Sages taught** in a *baraita*: **Rabbi Shimon ben Zoma taught this** explanation: **Because the entire section** of the Torah where the prohibition: Itself and its offspring, appears **speaks only about sacrificial** animals, **and with regard to sacrificial** animals the **night follows the day,**[N] one **might** have thought that **even** with regard to **this** prohibition it **is so.** Therefore, the following derivation is required: **It is stated here,** with regard to the slaughter of an animal and its offspring: **"One day," and it is stated in the act of Creation: "One day." Just as** concerning the phrase **"one day" that is stated in the act of Creation, the day follows the night, so too** concerning the phrase **"one day" that is stated with regard to** the slaughter of an animal **itself and its offspring, the day follows the night.**

Perek **V**
Daf **83** Amud **b**

רַבִּי אוֹמֵר: "יוֹם אֶחָד" – יוֹם הַמְיוּחָד טָעוּן כָּרוֹז; מִכָּאן אָמְרוּ: בְּאַרְבָּעָה פְּרָקִים בַּשָּׁנָה הַמּוֹכֵר בְּהֵמָה לַחֲבֵירוֹ צָרִיךְ לְהוֹדִיעוֹ.

§ **Rabbi** Yehuda HaNasi **says:** The verse: "You shall not slaughter it and its offspring both in **one day**" (Leviticus 22:28), is referring to a special day, and it indicates that **a special day requires a proclamation** to prevent buyers from slaughtering an animal together with its offspring on that day. **From here** is derived that which is **stated** in the mishna: **On four occasions during the year,** which are special days, **one who sells an animal to another must inform him:** I sold its mother for slaughter, or: I sold its offspring for slaughter.

הדרן עלך אותו ואת בנו

BACKGROUND

Your wheat was burned in the upper story of my house – נִשְׂרְפוּ חִטֶּיךָ בַּעֲלִיָּתִי: The concern here is that should the payment of money be sufficient to transfer ownership, the seller of the goods might not bother to rescue them from a fire even when they are sitting in his house, since they are no longer his. Therefore the Sages insisted that for the buyer's own protection, the buyer himself must take possession of his purchase and assume responsibility for it.

HALAKHA

With regard to the prohibition, itself and its offspring, the day follows the night – בְּאוֹתוֹ וְאֶת בְּנוֹ הַיּוֹם הוֹלֵךְ אַחַר הַלַּיְלָה: With regard to the day mentioned in relation to the prohibition of: Itself and its offspring, the day follows the night. For example, if one slaughtered the first animal at the beginning of Tuesday night, he may not slaughter the second one until the beginning of Wednesday night. If he slaughtered the first late Wednesday afternoon just before twilight, he may slaughter the second at the beginning of Wednesday night. If one slaughtered the first during twilight of Wednesday night, he must wait until Thursday night to slaughter the second; if he slaughtered the second animal on Thursday itself, he is not flogged because of the uncertainty concerning the status of twilight, in accordance with the ruling of the *Tosefta* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:17; *Shulḥan Arukh*, *Yoreh De'a* 16:4).

NOTES

And with regard to sacrificial animals the night follows the day – וּבְקָדָשִׁים לַיְלָה הוֹלֵךְ אַחַר הַיּוֹם: Rashi derives this from the verse: "It shall be eaten on the day of his offering; he shall not leave any of it until the morning" (Leviticus 7:15), which indicates that although he shall not leave it until the following morning, he may eat it during the night; therefore, the night following the "day of his offering" is considered part of that day.

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Summary of **Perek V**

This chapter discussed all of the *halakhot* relating to the prohibition against slaughtering an animal and its offspring in a single day.

The prohibition of: Itself and its offspring, applies to all domesticated animals, whether cattle or sheep, whether both animals are non-sacred or sacred, or whether one is sacred and the other is not. It does not apply to undomesticated animals or to birds. Since it is a *halakha* unrelated to the sanctity of Eretz Yisrael, it applies both in Eretz Yisrael and outside of it, and it is applied during the existence of the Temple as well as in the present.

There is a dispute as to whether the prohibition applies only to a mother and its offspring, since the offspring tends to cling to it, or whether slaughtering a father animal and its offspring in a single day is also prohibited, as the verse describes the animals using masculine terms. In relation to this dispute, the question of whether one must be concerned with the paternity of animals is also addressed. This issue has implications for various *halakhot*, including the prohibition against crossbreeding diverse kinds of animals, where it affects the definition of the species of animals born of crossbreeding. This, in turn, has an impact upon which mitzvot and prohibitions apply to the animals, as well as with what animals they are permitted to mate. This question is not completely resolved in the Gemara, nor have the authorities completely resolved it.

With regard to the order of slaughtering the two animals in a single day, it is accepted that the phrase used in the verse: "It and its offspring," despite mentioning the parent first, renders slaughtering the offspring before the parent prohibited as well.

It is also determined in this chapter that the phrase: "You shall not slaughter" (Leviticus 22:28), limits the prohibition specifically to animals that are slaughtered, both with regard to the parent and with regard to the offspring. Consequently, if one or both of the animals are killed in another way, the prohibition does not apply. Any type of legitimate slaughtering, even slaughtering that is not fit and does not permit the meat to be eaten, violates the prohibition.

With regard to the definition of not slaughtering the two animals on one day, the mishna states that the day follows the night, as with most matters mentioned in the Torah. Accordingly, the day, during the course of which one may slaughter only one of the animals, is defined as beginning in the evening and lasting until the next evening.

Slaughtering an animal and its offspring in a single day, although prohibited, does not disqualify the slaughter; consequently, the meat may be eaten. With regard to sacrificial animals, the second animal is disqualified for use. The reason is that once the first animal is slaughtered, the second one may not be slaughtered that day. Therefore, it has the status of an offering whose time for sacrifice has not yet arrived.

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Since it has that status, if it is slaughtered outside the Temple, the slaughterer is not liable for slaughtering an offering outside the Temple.

One who slaughters an animal and its offspring in a single day has violated a prohibition for which one incurs forty lashes. Depending upon the circumstances, the violator may be penalized with a single set of lashes or more than one set. For example, the slaughter of a mother and one of its offspring incurs a single set of lashes, while the slaughter of two of the offspring with the mother incurs two sets of lashes.

The Sages instituted that at times, one who sells a mother or its offspring must inform the buyer when he is planning to slaughter the animal that he retains in his possession, in order that the buyer should not accidentally violate the prohibition of: Itself and its offspring. Therefore, at certain times during the year when many people tend to slaughter animals and often slaughter them immediately after purchasing them, the Sages required the seller to inform the buyer of an animal if its mother or offspring was already sold that day.

These were the principal topics discussed in this chapter. During the deliberations on these topics, the Gemara also examines rather extensively a few tangentially related topics. One of these related topics is whether it is necessary to be concerned with the paternity of animals in halakhic matters. Another related topic addressed is the categorization of a *koy*, a kosher animal with characteristics of both domesticated and undomesticated animals, as well as a few other animals about which there is uncertainty as to whether they are domesticated or undomesticated. Additionally in this chapter, the Gemara discusses how many sets of lashes are incurred by one who transgresses the same prohibition multiple times, and the different circumstances that may result in variations of that penalty.

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Introduction to **Perek VI**

And any man of the children of Israel, or of the strangers that sojourn among them, who traps a trapping of an undomesticated animal or bird that may be eaten, he shall pour out its blood and cover it with earth.

(Leviticus 17:13)

Although the mitzva of covering the blood of a slaughtered undomesticated animal or a bird is stated explicitly in the Torah, its precise *halakhot* are not, and therefore, there are aspects of the mitzva that must be clarified. The Torah states that the mitzva of covering the blood applies to one who traps an undomesticated animal or a bird. Is the act of trapping critical for the obligation of the mitzva, or is this obligation applicable any time one slaughters an undomesticated animal or a bird, even if no trapping is involved? Moreover, does the mitzva of covering the blood apply only if the act of slaughter is valid, i.e., when it permits the meat for consumption, or is it applicable even when the slaughter is not valid?

Furthermore, the verse states that only a bird and an undomesticated animal are included in the mitzva of covering the blood; domesticated animals are not included. If so, given that undomesticated animals may not be offered as sacrifices, can it be inferred that the mitzva of covering the blood applies only to non-sacred animals and birds? Or does the Torah mean to exclude only sacrificial animals but not sacrificial birds, in which case the mitzva to cover the blood applies to a sacrificial bird as well?

Other uncertainties arise with regard to the act of covering: Is the mitzva of covering the blood incumbent only upon the one performing the slaughter, or is it incumbent upon any individual who sees the blood uncovered? What is the *halakha* in an instance where the blood was covered as a result of natural causes, without human intervention: Is the mitzva considered to have been performed? Must one cover the blood of each slaughtered animal or bird separately, or may he cover all the blood at the same time? Is the mitzva to cover the blood of an undomesticated animal separate from the mitzva to cover the blood of a bird, or are these acts considered one mitzva?

It is also unclear how much blood needs to be covered: All of it or only part of it? If the latter, which part of the blood needs to be covered? Must one cover specifically the blood that spurts out at the time of the slaughter, or may one cover the blood that issues from the animal in another manner?

The covering process itself requires clarification as well: Must the blood be covered with only one layer of earth, or must the blood be covered with earth from both above and below? What is the precise meaning of the term "earth" mentioned in the verse? Is it limited to earth specifically, or is the verse referring even to other substances that share a common characteristic with earth?

These are the primary subjects discussed in this chapter.

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מתני׳ כִּסּוּי הַדָּם נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בְּחוּלִּין אֲבָל לֹא בְּמוּקְדָּשִׁין. וְנוֹהֵג בְּחַיָּה וּבְעוֹף, בְּמְזוּמָּן וּבְשֶׁאֵינוֹ מְזוּמָּן. וְנוֹהֵג בְּכוֹי מִפְּנֵי שֶׁהוּא סָפֵק.

MISHNA

The mitzva of **covering the blood** after slaughter **is in effect** both **in Eretz** Yisrael[H] **and outside of Eretz** Yisrael, both **in the presence,** i.e., the time, **of the Temple and not in the presence of the Temple.** And it is in effect **with regard to non-sacred** animals, **but** it is not in effect **with regard to sacrificial** ones. **And it is in effect with regard to** the slaughter of **an undomesticated animal and a bird, with regard to** animals and birds that are readily **available** in his home, **and with regard to** those **that are not** readily **available** and are hunted in the wild. **And it is in effect with regard to a *koy*, because it is uncertain** whether a *koy* is a domesticated animal and one is exempt from the covering of its blood or whether it is an undomesticated animal and one is obligated to cover it.

וְאֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב, וְאִם שָׁחַט – אֵין מְכַסִּין אֶת דָּמוֹ.

And one may not slaughter a *koy* **on a Festival,**[H] because covering its blood entails the performance of prohibited labor that is permitted only if there is a definite obligation to cover the blood. **And if one slaughtered** a *koy* on a Festival after the fact, **one does not cover its blood** until after the Festival.

גמ׳ מוּקְדָּשִׁין מַאי טַעְמָא לָא? אִילֵימָא מִשּׁוּם דְּרַבִּי זֵירָא, דְּאָמַר רַבִּי זֵירָא: הַשּׁוֹחֵט צָרִיךְ שֶׁיִּתֵּן עָפָר לְמַטָּה וְעָפָר לְמַעְלָה, שֶׁנֶּאֱמַר: ״וְשָׁפַךְ אֶת דָּמוֹ וְכִסָּהוּ בֶּעָפָר״, ״עָפָר״ לֹא נֶאֱמַר, אֶלָּא: ״בֶּעָפָר״ – מְלַמֵּד שֶׁהַשּׁוֹחֵט צָרִיךְ שֶׁיִּתֵּן עָפָר לְמַטָּה וְעָפָר לְמַעְלָה.

GEMARA

The Gemara asks: **What is the reason** one is **not** obligated to cover the blood of **sacrificial** birds?[N] **If we say** it is **because of** the statement **of Rabbi Zeira,** that is difficult. **As Rabbi Zeira says: One who slaughters** a bird or an undomesticated animal **must place earth beneath**[NH] the blood **and earth above** it, **as it is stated: "And he shall pour out its blood and cover it with earth"** (Leviticus 17:13). It **is not stated:** Cover it with **earth,** but **rather, "in earth,"** indicating that the blood must be concealed inside the earth. The verse **teaches that one who slaughters** a bird or undomesticated animal **must place earth beneath** the blood **and earth above** the blood.

וְהָכָא לָא אֶפְשָׁר, הֵיכִי לִיעֲבִיד? לֵיתִיב וְלִיבַּטְּלֵיהּ – קָמוֹסִיף אַבְנָיָן, וּכְתִיב: ״הַכֹּל בִּכְתָב מִיַּד ה׳ עָלַי הִשְׂכִּיל״,

The Gemara continues: **And here,** with regard to a bird offering, whose blood is presented on the altar, it is **not possible** for one to cover the blood with earth from beneath it. As **how should one perform** the covering of the blood? If one suggests that **he should place** earth on the altar **and nullify** that earth to the altar such that it will never be removed from there, this is unfeasible, since by nullifying the earth to the altar, **he is adding to the structure** of the altar. **And it is written** with regard to the construction of the Temple: **"All was in writing, from the hand of the Lord, which He gave me to understand"** (I Chronicles 28:19), indicating that the dimensions of the Temple and all the vessels within were given prophetically and are therefore not subject to change.

לָא לִיבַּטְּלֵיהּ – קָא חָוֵי חֲצִיצָה;

And if one suggests that **he should not nullify** the earth to the altar, this too is problematic, as the earth **constitutes an interposition**[N] between the blood of the bird and the altar.

NOTES

One is not obligated to cover the blood of sacrificial birds – מוּקְדָּשִׁין...לָא: The Gemara assumes the mishna is referring specifically to sacrificial birds, not animals, since undomesticated animals are in any event never sacrificed as offerings.

He must place earth beneath – צָרִיךְ שֶׁיִּתֵּן עָפָר לְמַטָּה: *Tosafot* comment that unlike the placing of earth above the blood, which is a mitzva incumbent upon the slaughterer, the bottom layer of earth need not be placed with specific intention for the mitzva; it is sufficient that the blood fall upon a layer of earth. By contrast, Rashi maintains, based on the wording of the Gemara on 31a, that the bottom layer of earth must be designated for the mitzva as well. Consequently, if earth was already there, the slaughterer must verbally designate it for the mitzva.

Constitutes an interposition – קָא חָוֵי חֲצִיצָה: The verse states with regard to a bird burnt offering: "And its blood shall be drained out on the side of the altar" (Leviticus 1:15), indicating that there may not be any interposition between the blood and the altar (Ritva).

HALAKHA

The mitzva of covering the blood is in effect in Eretz Yisrael, etc. – כִּסּוּי הַדָּם נוֹהֵג בָּאָרֶץ וכו׳: The mitzva of covering the blood after slaughter applies to one who slaughters kosher undomesticated animals and kosher birds, whether the animals or birds are readily available or not. This mitzva applies only to non-sacred animals and birds. It does not apply to sacrificial birds, both those that were consecrated for the altar and those consecrated for Temple maintenance (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:1–2; *Shulḥan Arukh*, *Yoreh De'a* 28:1).

And it is in effect with regard to a *koy*…and one may not slaughter it on a Festival – וְנוֹהֵג בְּכוֹי...וְאֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב: The blood of a *koy* or any other animal that cannot be classified as a domesticated animal or an undomesticated animal must be covered only due to the uncertainty that it may be obligated by Torah law. The blood of such an animal may not be covered on a Festival, as covering the blood is a labor that may be performed on a Festival only when there is a definite obligation by Torah law to do so. If one wrongly slaughtered such an animal on a Festival, the blood may be covered only after the Festival's conclusion (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:4; *Shulḥan Arukh*, *Yoreh De'a* 28:3).

One who slaughters must place earth beneath – הַשּׁוֹחֵט צָרִיךְ שֶׁיִּתֵּן עָפָר לְמַטָּה: One who slaughters an undomesticated animal or a bird is required to place a layer of earth in the location where he intends for the blood to spurt onto the ground when he performs the slaughter. If dirt was already found in the spot where the blood is to be spilled, the slaughterer must verbally designate it for the mitzva (*Sefer Halttur*). The Rosh maintains that verbal designation is not necessary (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:14; *Shulḥan Arukh*, *Yoreh De'a* 28:5, and see *Shakh* and Rabbi Akiva Eiger there).

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נְהִי דְּלְמַטָּה – לָא אָפְשָׁר, לְמַעְלָה – אָפְשָׁר, לֵיעֲבִיד כִּסּוּי!

The Gemara explains why this statement of Rabbi Zeira does not sufficiently explain why one is not required to cover the blood of sacrificial birds. **Granted that** it is **impossible** to place earth **beneath** the blood of the bird, but it is **possible** to place earth **above** the blood of the bird. If so, **let** him **perform a covering** of the blood from above.

מִי לָא תַּנְיָא, רַבִּי יוֹנָתָן בֶּן יוֹסֵף אוֹמֵר: שָׁחַט חַיָּה וְאַחַר כָּךְ שָׁחַט בְּהֵמָה – פָּטוּר מִלְּכַסּוֹת, בְּהֵמָה וְאַחַר כָּךְ חַיָּה – חַיָּיב לְכַסּוֹת?

The Gemara explains this suggestion: **Isn't it taught** in a *baraita* that **Rabbi Yonatan ben Yosef says:** If **one slaughtered an undomesticated animal,**[H] whose blood requires covering, **and thereafter slaughtered a domesticated animal,** whose blood does not require covering, in the same location as the undomesticated animal, he is **exempt from** the obligation **to cover** the blood of the undomesticated animal, as it is covered with the blood of the domesticated animal. But if one slaughtered **a domesticated animal and thereafter** slaughtered **an undomesticated animal** he is **obligated to cover** the latter's blood despite the fact that there is no earth, but rather blood of the domesticated animal, beneath it. It is evident from this *baraita* that the mitzva of covering the blood applies even when earth cannot be placed beneath the blood.

כִּדְרַבִּי זֵירָא, דְּאָמַר רַבִּי זֵירָא: כָּל הָרָאוּי לְבִילָה – אֵין בִּילָה מְעַכֶּבֶת בּוֹ, וְכָל שֶׁאֵינוֹ רָאוּי לְבִילָה – בִּילָה מְעַכֶּבֶת בּוֹ.

The Gemara responds: The exclusion of sacrificial birds from the mitzva of covering the blood, even from above, is **in accordance with** another statement **of Rabbi Zeira, as Rabbi Zeira says** with regard to meal offerings: For **any** measure of flour **that** is **suitable for mixing**[NH] with oil in a meal offering, the lack of **mixing does not invalidate** the meal offering. Even though there is a mitzva to mix the oil with the flour *ab initio*, the meal offering is fit for sacrifice even if the oil and the flour are not mixed together. **And** for **any** measure of flour **that** is **not suitable for mixing** with oil in a meal offering, the lack of **mixing invalidates** the meal offering. Similarly, if one slaughtered a domesticated animal and thereafter an undomesticated animal, since it was possible to cover the blood of the former before slaughtering the latter, which would allow the proper fulfillment of the mitzva of covering the blood, one is still obligated to cover the blood from above. By contrast, it is always impossible to properly perform the mitzva in the case of sacrificial birds.

וְלִיגָּרְרֵיהּ וְלִיכַּסֵּיהּ! מִי לָא תְּנַן: דָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין – חַיָּיב לְכַסּוֹת, אַלְמָא דְּגָרִיר וּמְכַסֵּי לֵיהּ; הָכָא נַמִּי – נִגְרוֹר וְנְכַסֵּי לֵיהּ!

The Gemara asks: Still, why is the mitzva of covering the blood not applicable to sacrificial birds? **Let one scrape** the blood off the altar **and cover it** elsewhere. **Didn't we learn** in a mishna (87b): With regard to **blood that spurts** outside the pit in which the animal was slaughtered, **and** blood **that** remained **on the** slaughtering **knife,**[H] one is **obligated to cover** it? **Evidently,** the *halakha* is **that** one may **scrape** off the blood **and cover it** in a location other than where it spilled out. **Here too, let us scrape** the blood of a sacrificial bird off the altar **and cover it** elsewhere.

אִי בְּקָדְשֵׁי מִזְבֵּחַ – הָכִי נַמִּי, הָכָא בְּמַאי עָסְקִינַן – בְּקָדְשֵׁי בֶּדֶק הַבַּיִת.

The Gemara answers: **If** the ruling of the mishna was dealing **with** items **consecrated for the altar, indeed,** the blood must be scraped off and covered elsewhere. But **here we are dealing with** items **consecrated for Temple maintenance,** i.e., birds donated to the Temple in order to be sold, the profits of which would be used for repairs. Such birds may not be slaughtered, and if one transgressed and slaughtered them it is prohibited to derive any benefit from them. The *tanna* of the mishna holds that the mitzva of covering the blood does not apply to a slaughtered animal that is forbidden for consumption.

NOTES

Any measure that is suitable for mixing – כָּל הָרָאוּי לְבִילָה: The mishna (*Menaḥot* 103b) states that one who vows to bring a meal offering greater than sixty tenths of an ephah of flour is required to divide the volume of flour into two separate vessels, since such a large quantity of flour cannot be mixed properly with the requisite oil. The Gemara there asks why it matters whether or not the flour can be properly mixed, given that the *halakha* deems even a non-mixed meal offering valid after the fact. Rabbi Zeira responds that although the mixing of the oil with the flour is not indispensable to the meal offering, it must at least be fit to be blended properly.

This principle, that one must at least be capable of fulfilling a requirement even if it is not indispensable to the performance of a mitzva, appears with regard to several other *halakhot* as well. The Rashbam (*Bava Batra* 81b) explains the reasoning behind this principle: Although a particular requirement may not be indispensable to the performance of a certain mitzva, since the Torah mentions this requirement as a part of the mitzva's proper fulfillment, performing the mitzva without even the possibility of fulfilling that requirement is tantamount to performing a mitzva in a manner not commanded by the Torah.

HALAKHA

If one slaughtered an undomesticated animal, etc. – שָׁחַט חַיָּה וכו': In a case where one slaughtered a bird or undomesticated animal and then slaughtered a domesticated animal in the same location, it is unnecessary to cover the blood of the undomesticated animal, as it is covered with the blood of the domesticated animal. In the reverse scenario, one is obligated to cover the blood of the undomesticated animal, in accordance with the opinion of Rabbi Yonatan bar Yosef (*Shulḥan Arukh*, *Yoreh De'a* 28:14).

Any measure that is suitable for mixing, etc. – כָּל הָרָאוּי לְבִילָה וכו': With regard to any meal offering that is fit to be mixed, mixing is not indispensable for it, and it is valid even if it was not mixed. If it is not fit for mixing, the meal offering is not valid (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 17:6).

Blood that spurts and that remained on the knife – דָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין: Blood that spurts out from the animal being slaughtered, as well as blood that remained on the slaughtering knife, must be covered, provided it is the only blood of the slaughtered animal available, in accordance with the opinion of Rabbi Yehuda in the mishna on 87b (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:8 and Ra'avad there; *Shulḥan Arukh*, *Yoreh De'a* 28:15).

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וְלִיפְרְקִינְהוּ וְלִיכַּסְּינְהוּ! בָּעֵינַן הַעֲמָדָה וְהַעֲרָכָה.

The Gemara challenges: **But** even if the mishna is dealing with birds consecrated for Temple maintenance, **let one redeem them**[N] after they were slaughtered **and** then **cover their** blood. The Gemara responds: This is not feasible, because in order to redeem a consecrated animal **we require setting and valuating,**[H] i.e., the animal must be stood before a priest in order to evaluate it and only then is it redeemed (see Leviticus 27:11–12). A slaughtered bird cannot be stood before the priest; consequently, it cannot be redeemed.

וּכְמַאן? אִי כְּרַבִּי מֵאִיר דְּאָמַר: הַכֹּל הָיוּ בִּכְלַל הַעֲמָדָה וְהַעֲרָכָה – הָאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה – שְׁמָהּ שְׁחִיטָה!

The Gemara asks: **But** if the mishna is dealing with birds consecrated for Temple maintenance, **in accordance with whose** opinion is the mishna? **If** one suggests the mishna is **in accordance with** the opinion of **Rabbi Meir, who says: Everything,** i.e., animals consecrated both for the altar and for Temple maintenance, **was included in** the requirement of **setting and valuating,** and therefore the slaughtered birds may not be redeemed, this cannot be so. **Doesn't he** also **say** that **slaughter that is not fit** to render the meat permitted **is** nevertheless **considered** a halakhic act of **slaughter** that requires the covering of the blood? If so, one should be obligated to cover the blood of the bird even if it is not redeemed.

אִי כְּרַבִּי שִׁמְעוֹן דְּאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה – הָאָמַר: לֹא הָיוּ בִּכְלַל הַעֲמָדָה וְהַעֲרָכָה!

The Gemara continues: And **if** one suggests the mishna is **in accordance with** the opinion of **Rabbi Shimon, who says: Slaughter that is not fit** to render the meat permitted **is not considered** a halakhic act of **slaughter** and therefore the bird would require redemption in order to cover its blood, this cannot be so. **Doesn't** he also **say** that animals consecrated for Temple maintenance **were not included in** the requirement of **setting and valuating?** If so, let one redeem the slaughtered birds and cover their blood.

אֲמַר רַב יוֹסֵף: רַבִּי הִיא, וְנָסִיב לָהּ אַלִּיבָּא דְּתַנָּאֵי; בִּשְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה – סָבַר לָהּ כְּרַבִּי שִׁמְעוֹן, בְּהַעֲמָדָה וְהַעֲרָכָה – סָבַר לָהּ כְּרַבִּי מֵאִיר.

Rav Yosef said in reconciliation of this dilemma: The mishna's ruling **is in accordance with** the opinion of **Rabbi** Yehuda HaNasi, **and he formulates** the mishna **in accordance with** the opinions of different ***tanna'im*: With regard to** the status of an act of **slaughter that is not fit** to render the meat permitted **he holds in accordance with** the opinion of **Rabbi Shimon,** while **with regard to** the requirement of **setting and valuating he holds in accordance with** the opinion of **Rabbi Meir.** Therefore, since one cannot redeem a bird that was consecrated for Temple maintenance once it has been slaughtered, there is no obligation to cover its blood, as the slaughter was not fit to render the meat permitted.

וְאִיבָּעֵית אֵימָא: כּוּלָּהּ רַבִּי שִׁמְעוֹן הִיא; וְשָׁאנֵי הָכָא, דְּאָמַר קְרָא: "וְשָׁפַךְ וְכִסָּה" – מִי שֶׁאֵינוֹ מְחוּפָּר אֶלָּא שְׁפִיכָה וְכִסּוּי, יָצָא זֶה שֶׁמְּחוּפָּר שְׁפִיכָה פְּדִיָּיה וְכִסּוּי.

And if you wish, say instead that **the entire** mishna **is** in accordance with the opinion of **Rabbi Shimon,** who holds that birds consecrated for Temple maintenance may be redeemed even after their slaughter. **And** although it would seem that their slaughter is fit to render the meat permitted and that one should therefore be obligated in the mitzva of covering the blood, it is **different here, as the verse states: "And he shall pour out** its blood **and cover** it" (Leviticus 17:13). By juxtaposing "pour out" to "cover," the verse indicates that the obligation to cover the blood applies only to blood **that is lacking only pouring and covering,** without any intervening step. **Excluded** is **this** blood of birds consecrated for Temple maintenance, **which is lacking pouring, redeeming, and covering.**

וְהָשְׁתָּא דְּאָתֵית לְהָכִי, אֲפִילּוּ תֵּימָא קָדְשֵׁי מִזְבֵּחַ – מִי שֶׁאֵינוֹ מְחוּפָּר אֶלָּא שְׁפִיכָה וְכִסּוּי, יָצָא זֶה שֶׁמְּחוּפָּר שְׁפִיכָה גְּרִירָה וְכִסּוּי.

The Gemara notes: **And now that you have arrived at this** explanation, **you** may **even say** that the mishna is referring to birds **consecrated for the altar.** As for the question asked earlier: Why not let one scrape the blood from the altar and then cover it? The verse states: "And he shall pour out its blood and cover it," indicating that the obligation to cover the blood applies only to blood that is **lacking only pouring and covering,** without any intervening step. **Excluded** is **this** blood of bird offerings, **which is lacking pouring, scraping, and covering.**[N]

NOTES

But let one redeem them – וְלִיפְרְקִינְהוּ: Animals consecrated for Temple maintenance that were slaughtered have no useful purpose, as they may not be consumed or used. There is therefore a mitzva to redeem such an animal, so as to prevent the loss of consecrated property. Accordingly, the slaughter of this animal cannot be considered one that is not fit to render the meat permitted, as it will ultimately be redeemed and then consumed. If so, one should be obligated to cover its blood (*Tosafot*).

Excluded is this which is lacking pouring, scraping, and covering – יָצָא זֶה שֶׁמְּחוּפָּר שְׁפִיכָה גְּרִירָה וְכִסּוּי: Although the mishna on 87b teaches that there is a mitzva to cover blood that spurts on the wall, and covering this blood requires that one first scrape it from the altar (see 83b), in that case, scraping would not have been required in order to cover such blood had it not spurted onto the wall. Accordingly, one may apply the principle of Rabbi Zeira: With regard to any substances fit for mixing, mixing is not indispensable (see 83b). By contrast, it is never possible to cover the blood of sacrificial animals without first scraping the blood off the altar (*Tosafot*; Ramban).

HALAKHA

We require setting and valuating – בָּעֵינַן הַעֲמָדָה וְהַעֲרָכָה: One who consecrates a living animal, whether for the altar or for Temple maintenance, must stand it before the court and have it evaluated before it is redeemed. This is in accordance with the opinion of the Rabbis in the mishna in *Temura* (32a), as explained by Rabbi Yoḥanan there on 32b (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 5:12).

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HALAKHA

But a spring, etc. – אַךְ מַעְיָן וכו׳: No liquid except water is valid for ritual immersion (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 7:5; *Shulḥan Arukh*, *Yoreh De'a* 201:24).

מָר בַּר רַב אַשִׁי אָמַר, אָמַר קְרָא: ״חַיָּה אוֹ עוֹף״, מָה חַיָּה אֵינָהּ קֹדֶשׁ – אַף עוֹף אֵינוֹ קֹדֶשׁ.

Mar bar Rav Ashi said that **the verse states** with regard to the mitzva of covering the blood: **"An undomesticated animal or bird"** (Leviticus 17:13). The juxtaposition of these two species intimates an analogy between them: **Just as** the **undomesticated animal** referred to in the verse **is not consecrated,**[N] as undomesticated animals are never fit for sacrifice, **so too,** the **bird** referred to in the verse **is not consecrated.**

אִי מָה חַיָּה – שֶׁאֵין בִּמִינוֹ קֹדֶשׁ, אַף עוֹף – שֶׁאֵין בִּמִינוֹ קֹדֶשׁ; אוֹצִיא תּוֹרִין וּבְנֵי יוֹנָה שֶׁיֵּשׁ בִּמִינָן קֹדֶשׁ!

The Gemara asks: **If** it is so that the *halakhot* of slaughtering a bird are derived from those of an undomesticated animal, then say: **Just as** the verse is referring to **an undomesticated animal, whose species cannot be consecrated** as an offering, **so too,** the verse is referring only to **a bird whose species cannot be consecrated** as an offering. Therefore, **I will exclude** even non-sacred **doves and pigeons, whose species can be consecrated.**

לָא, כְּחַיָּה; מָה חַיָּה – לֹא חִלַּקְתָּ בָּהּ, אַף עוֹף – לֹא תַּחֲלוֹק בּוֹ.

The Gemara rejects this possibility: **No,** the juxtaposition indicates that the *halakha* with regard to the slaughter of birds is entirely **like** that of **an undomesticated animal.** Therefore, **just as** in the case of **an undomesticated animal, you did not differentiate** between its various species and all non-sacred animals are included in the mitzva, **so too,** with regard to the **bird** mentioned in the verse, **you should not differentiate** between its various species.

§ אָמַר לֵיהּ יַעֲקֹב מִינָאָה לְרָבָא: קָיְימָא לָן חַיָּה בִּכְלַל בְּהֵמָה לְסִימָנִין, אֵימָא נָמֵי: בְּהֵמָה בִּכְלַל חַיָּה לְכִסּוּי!

§ Concerning the *halakha* that covering the blood does not apply to a domesticated animal, the Gemara says that **Ya'akov the heretic said to Rava: We maintain** that **an undomesticated animal,** e.g., a deer, is **included** in the category of **a domesticated animal with regard to** the **characteristics**[N] necessary to determine whether the animal is kosher, i.e., it chews its cud and has split hooves (see Deuteronomy 14:4–6). If so, **I will also say** that **a domesticated animal is included** in the category of **an undomesticated animal with regard to** the mitzva of **covering** the blood.

אָמַר לֵיהּ, עָלֶיךָ אָמַר קְרָא: ״עַל הָאָרֶץ תִּשְׁפְּכֶנּוּ כַּמָּיִם״, מַה מַּיִם לָא בָּעֵי כִּסּוּי – אַף הַאי נָמֵי לָא בָּעֵי כִּסּוּי.

Rava **said to him: With regard to your** claim, **the verse states** in reference to the blood of a domesticated animal: "You may slaughter of your cattle and of your sheep… but be strong not to eat the blood… **you shall pour it out on the ground, like water"** (Deuteronomy 12:21–24). Accordingly, **just as water does not require covering, so too, this** blood of a domesticated animal **does not require covering.**

אֶלָּא מֵעַתָּה יִטְבּוֹל בּוֹ! אָמַר קְרָא: ״אַךְ מַעְיָן וּבוֹר מִקְוֵה מַיִם יִהְיֶה טָהוֹר״ – הָנֵי אִין, מִידֵי אַחֲרִינָא לָא.

The Gemara asks: **If that is so,** that the verse equates the blood of a domesticated animal with water, then let one **immerse** ritually impure items **in it** to purify them, just as he can immerse them in water. The Gemara responds: **The verse states: "But a spring**[H] **or a cistern, or a gathering of water shall be pure"** (Leviticus 11:36). The exclusionary term: "But," indicates that only concerning **these** bodies of water, **yes,** they render pure an impure item, while **something else,** e.g., blood, does **not.**

וְאֵימָא: הָנֵי מִילֵּי – לְמַעוּטֵי שְׁאָר מַשְׁקִין דְּלָא אִיקְרוּ מַיִם, אֲבָל דָּם דְּאִיקְרִי מַיִם – הָכִי נָמֵי!

The Gemara challenges: **But** perhaps one can **say** that **this matter,** i.e., the exclusionary term in the verse, serves only **to exclude other liquids that are not called water. But** with regard to **blood, which is called water,** as the verse states: "You shall pour it out on the ground, like water," one may **indeed** immerse ritually impure items in it.

NOTES

Just as the undomesticated animal is not consecrated – מָה חַיָּה אֵינָהּ קֹדֶשׁ: Although one may consecrate an undomesticated animal for Temple maintenance, as one may consecrate any item, the Gemara means to say that an unspecified undomesticated animal is non-sacred, as it is not fit for sacrifice (Rashi).

An undomesticated animal is included in the category of a domesticated animal with regard to the characteristics – חַיָּה בִּכְלַל בְּהֵמָה לְסִימָנִין: The Sages derived that an undomesticated animal is included in the category of a domesticated animal from the verses discussing the characteristics of a kosher domesticated animal, as those verses mention undomesticated animals as well. The verse states: "These are the animals that you may eat: An ox, the *seh* of the sheep, and the *seh* of the goats, a deer, and a gazelle, and a fallow deer, and a wild goat, and an oryx, and an aurochs, and a wild sheep" (Deuteronomy 14:4–6). The gazelle, fallow deer, and wild goat are undomesticated. This does not necessarily mean that a domesticated animal is included in the category of an undomesticated one. Rashi explains that the matter is based on the verse that states: "These are the living things [*ḥaya*] which you may eat among all the animals [*behema*] that are on the earth" (Leviticus 11:2).

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תְּרֵי מִיעוּטֵי כְּתִיבִי: ״מַעְיַן מַיִם״ ״וּבוֹר מַיִם״.

The Gemara responds: **Two exclusions are written** in the verse discussing ritually purifying waters: **A spring of water, and: A cistern of water.** The term "water" is understood as being attached to each of the bodies mentioned in the verse. The additional exclusion serves to exclude blood.

אֵימָא: אִידִי וְאִידִי לְמַעוּטֵי שְׁאָר מַשְׁקִין, חַד – לְמַעוּטֵי זוֹחֲלִין, וְחַד – לְמַעוּטֵי מְכוּנָּסִין!

The Gemara challenges: **Say** that both **this** phrase, a spring of water, **and that** phrase, a cistern of water, serve **to exclude other liquids,** and not blood, whereby **one** phrase is **to exclude flowing** liquids that are not water from having the status of a spring, which renders an item ritually pure even when it is flowing; **and one** phrase serves **to exclude gathered**[N] liquids that are not water from having the status of a ritual bath, which renders an item pure only when the water in the ritual bath is gathered.

תְּלָתָא מִיעוּטֵי כְּתִיבִי: ״מַעְיַן מַיִם״ ״וּבוֹר מַיִם״ ״מִקְוֵה מַיִם״.

The Gemara responds: **Three exclusions are written** in the verse: **A spring of water,** to exclude flowing liquids; **and: A cistern of water,** to exclude gathered liquids; **and: A gathering of water,** to exclude blood.

§ תָּנוּ רַבָּנַן: ״אֲשֶׁר יָצוּד״ – אֵין לִי אֶלָּא אֲשֶׁר יָצוּד, נִצּוֹדִין וְעוֹמְדִין מֵאֲלֵיהֶן מִנַּיִן, כְּגוֹן אַוָּזִין וְתַרְנְגוֹלִים?

§ **The Sages taught** in a *baraita*: The verse states with regard to covering the blood: "And any man of the children of Israel, or of the strangers that sojourn among them, **who traps** a trapping of an undomesticated animal or bird that may be eaten, he shall pour out its blood and cover it with earth" (Leviticus 17:13). **I have** derived **only** that one is obligated to cover the blood of an undomesticated animal or bird **that one traps. From where** is it derived that undomesticated animals or birds that are **already** considered **trapped on their own, such as geese and chickens** that do not roam freely, are also included in the mitzva of covering the blood?

תַּלְמוּד לוֹמַר: ״צֵיד״ מִכָּל מָקוֹם. אִם כֵּן, מַה תַּלְמוּד לוֹמַר: ״אֲשֶׁר יָצוּד״? לְמֻדָּה תּוֹרָה דֶּרֶךְ אֶרֶץ, שֶׁלֹּא יֹאכַל אָדָם בָּשָׂר אֶלָּא בַּהֲזָמָנָה הַוֹּאת.

The verse states "a trapping" to indicate that **in any case,** one is obligated to cover the blood of an undomesticated animal. **If so, what** is the meaning when **the verse states: "Who traps,"** if it is not to be understood literally? The *baraita* explains: **The Torah taught** that it is **a desired mode of behavior**[H] **that a person should consume meat only with this mode of preparation.** That is, just as the meat that one traps is not readily available, so too, one should not become accustomed to consuming meat.

תָּנוּ רַבָּנַן: ״כִּי יַרְחִיב ה׳ אֱלֹהֶיךָ אֶת גְּבֻלְךָ״ – לְמֻדָּה תּוֹרָה דֶּרֶךְ אֶרֶץ, שֶׁלֹּא יֹאכַל אָדָם בָּשָׂר אֶלָּא לְתֵאָבוֹן.

In a similar vein, **the Sages taught** in a *baraita* that the verse states: "**When the Lord, your God, expands your** boundary… according to every craving of your soul you may eat meat" (Deuteronomy 12:20). **The Torah taught** that it is **a desired mode of behavior that a person should consume meat due only to appetite.** That is, one should consume meat only when he feels a need to eat it.

יָכוֹל יִקַּח אָדָם מִן הַשּׁוּק וְיֹאכַל? תַּלְמוּד לוֹמַר: ״וְזָבַחְתָּ מִבְּקָרְךָ וּמִצֹּאנְךָ״. יָכוֹל יִזְבַּח כָּל בְּקָרוֹ וְיֹאכַל, כָּל צֹאנוֹ וְיֹאכַל? תַּלְמוּד לוֹמַר: ״מִבְּקָרְךָ״ – וְלֹא כָּל בְּקָרְךָ, ״מִצֹּאנְךָ״ – וְלֹא כָּל צֹאנְךָ.

The *baraita* continues: One **might** have thought that **a person may purchase** meat **from the marketplace and consume** it. Therefore, **the** next **verse states: "And you may slaughter of your cattle and of your flock,"** indicating that one should consume the meat of animals of his own flock, not those purchased in the marketplace. One **might** have thought that a person **may slaughter all of his cattle,** i.e., his only cow, **and consume** the meat, or slaughter **all of his flock,** i.e., his only sheep, **and consume** the meat. Therefore, **the verse states: "Of your cattle,"** indicating some, **but not all of, your cattle; "of your flock," but not all of your flock.**

מִכָּאן אָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה: מִי שֶׁיֵּשׁ לוֹ מָנֶה – יִקַּח לְפָסוֹ לִיטְרָא יָרָק, עֲשָׂרָה מָנֶה – יִקַּח לְפָסוֹ לִיטְרָא דָּגִים, חֲמִשִּׁים מָנֶה – יִקַּח לְפָסוֹ לִיטְרָא בָּשָׂר, מֵאָה מָנֶה – יִשְׁפְּתוּ לוֹ קְדֵרָה בְּכָל יוֹם. וְאֵינָךְ אֵימַת? מֵעֶרֶב שַׁבָּת לְעֶרֶב שַׁבָּת.

From here, Rabbi Elazar ben Azaria said: One who has one hundred dinars **should purchase a *litra*[L] of vegetables for his stewpot** [***lefaso***];[L] one who has **one thousand** dinars **should purchase a *litra* of fish for his stewpot;** one who has **five thousand** dinars **should purchase a *litra* of meat for his stewpot;** and if one has **ten thousand** dinars, his servants **should place a pot** of meat on the stove **for him every day.** The Gemara asks: **And** with regard to **these** other individuals mentioned by Rabbi Elazar ben Azaria, **when,** i.e., how often, should they consume meat? The Gemara responds: **Every Shabbat eve.**

NOTES

Flowing…gathered – זוֹחֲלִין...מְכוּנָּסִין: The commentary follows the explanation of the Meiri. By contrast, Rashi explains that when the Gemara refers to flowing water, it is referring to the *halakha* that one may cause nineteen *se'a* of drawn water to flow into a ritual bath containing twenty-one *se'a* of rainwater, in order to arrive at the forty *se'a* of water necessary for a valid ritual bath (see *Mikvaot* 5:5). The Gemara suggests that the verse is necessary to indicate that non-water liquids may not be used to complete the measure of a ritual bath in this manner.

HALAKHA

The Torah taught that it is a desired mode of behavior, etc. – לְמֻדָּה תּוֹרָה דֶּרֶךְ אֶרֶץ וכו׳: The Sages teach that the ideal manner of conduct is not to eat meat at one's whim, but rather it is sufficient to eat meat once a week. If one has the means, he may eat meat every day (Rambam *Sefer HaMadda*, *Hilkhot Deot* 5:10).

LANGUAGE

***Litra* – לִיטְרָא:** From the Greek λίτρα, *litra*, which has a variety of meanings: A measurement of volume, a weight, and the name of a coin. The volume of a *litra* is less than 300 cc and is therefore a very small amount of meat. According to the Jerusalem Talmud, the value of a Greek *litra* is the equivalent of one hundred dinars.

For his stewpot [*lefaso*] – לְפָסוֹ: This is a corruption of *le'ilfaso*, meaning: For his stewpot [*ilfas*]. The word *ilfas* derives from the Greek λοπάς, *lopas*, which refers to a flat dish or frying pan used for cooking. The *ilpas* had thin sides and a lid with sharp edges, which was sometimes perforated. Apparently, the *ilpas* sometimes served as an all-purpose cooking vessel, although it was primarily used either in the preparation of fast-cooking foods or for heating food that had already been cooked in a different pot.



Greek *lopas*

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אָמַר רַב: צְרִיכִין אָנוּ לָחוּשׁ לְדִבְרֵי זָקֵן. אָמַר רַבִּי יוֹחָנָן: אַבָּא מִמִּשְׁפַּחַת בְּרִיאִים הָוָה, אֲבָל בְּגוֹן אָנוּ, מִי שֶׁיֵּשׁ לוֹ פְּרוּטָה בְּתוֹךְ כִּיסוֹ – יְרִיצָנָּה לַחֲנָוָנִי. אֲמַר רַב נַחְמָן: בְּגוֹן אָנוּ – לְוָוִין וְאוֹכְלִין.

Rav says: We must be concerned for the statement of the elder, i.e., Rabbi Elazar ben Azaria, and be thrifty with our expenditure on food items. **Rabbi Yoḥanan says: Abba,** i.e., Rav, **was from a family of** particularly **healthy** individuals, and was able to subsist on the modest diet suggested by Rabbi Elazar ben Azaria. **But** with regard to people **such as us,** who are not as healthy, **one who has** even **one *peruta* in his pocket should hasten** with **it to the storekeeper** and purchase food. Two generations later, **Rav Naḥman said:** With regard to people **such as us,** who are physically weaker than those in previous generations, not only do we not delay the purchase of food items, we even **borrow** money to purchase food **and eat.**

״כְּבָשִׂים לִלְבוּשֶׁךָ״ – מִגֵּו כְּבָשִׂים יְהֵא מַלְבּוּשָׁךְ, ״וּמְחִיר שָׂדֶה עַתּוּדִים״ – לְעוֹלָם יִמְכּוֹר אָדָם שָׂדֶה וְיִקַּח עַתּוּדִים, וְאַל יִמְכּוֹר אָדָם עַתּוּדִים וְיִקַּח שָׂדֶה. ״וְדֵי חֲלֵב עִזִּים״ – דַּיּוֹ לָאָדָם שֶׁיִּתְפַּרְנֵס מֵחֲלֵב גְּדָיִים וּטְלָאִים שֶׁבְּתוֹךְ בֵּיתוֹ.

The Gemara continues its discussion with regard to one's livelihood: The verse states: "The lambs will be for your clothing, and goats the worth of a field. And there will be goats' milk enough for your food, for the food of your household; and sustenance for your maidens" (Proverbs 27:26–27). "**The lambs will be for your clothing**" indicates that **your clothing should be** produced **from the shearings of lambs,** i.e., purchase lambs from whose wool you can produce clothing. "**And goats the worth of a field**" indicates that **a person should always** seek to **sell a field and purchase goats** in order to benefit from their milk, wool, and offspring, **and a person should not sell goats and purchase a field** instead. "**And there will be goats' milk enough**" indicates that **it is sufficient for a person that he be sustained from the milk of kids and lambs that are in his house.**

״לְלַחְמֵךְ לְלֶחֶם בֵּיתֶךָ״ – לַחְמֵךְ קוֹדֵם לְלֶחֶם בֵּיתֶךָ. ״וְחַיִּים לְנַעֲרוֹתָיִךְ״ – אֲמַר מַר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן: תֵּן חַיִּים לְנַעֲרוֹתָיִךְ. מִיכָּן לִמְּדָה תּוֹרָה דֶּרֶךְ אֶרֶץ, שֶׁלֹּא יְלַמֵּד אָדָם אֶת בְּנוֹ בָּשָׂר וְיַיִן.

"**For your food, for the food of your household**" indicates that **your food comes before the food of your household,** i.e., one must first ensure that he has food for himself before providing for others. With regard to the phrase: "**And sustenance for your maidens,**" **Mar Zutra, son of Rav Naḥman, said:** The verse indicates that you must **give sustenance to your youth,** i.e., to your children. **From here, the Torah taught** that it is **a desired mode of behavior that a person should not accustom his son** to eat **meat and** drink **wine;** rather, he should teach his children to eat less expensive foods.

אָמַר רַבִּי יוֹחָנָן:

Rabbi Yoḥanan says:

Perek **VI**
Daf **84** Amud **b**

BACKGROUND

Cup of lukewarm water – כָּסָא דְּפוּשָׁרִין: The warmth in lukewarm water allows for the development of harmful bacteria. Two opposite processes prevent this phenomenon: The first is cooling, which prevents oxidation and decomposition. The second is boiling, which destroys the organisms in the liquid. The stagnancy of certain liquids in metal vessels can also lead to risk factors associated with various chemical reactions between various substances and the metal.

LANGUAGE

Boiled [*tzeyatz*] – צֵיץ: An Aramaic term indicating a delicate whistling or chirping sound. Other versions of this word include *tzuvatz* and *tzayyetz*. It has a similar meaning in both Syriac and Hebrew: Chirping of birds, or the noises made by infants. In this context, the word refers to the boiling of water, which makes a sound akin to a delicate chirping or whistling sound.

הָרוֹצֶה שֶׁיִּתְעַשֵּׁר – יַעֲסוֹק בִּבְהֵמָה דַּקָּה. אָמַר רַב חִסְדָּא: מַאי דִּכְתִיב ״וְעַשְׁתְּרֹת צֹאנֶךָ״ – שֶׁמְּעַשְּׁרוֹת אֶת בַּעֲלֵיהֶן.

One who wishes to become wealthy should **engage in** raising **small domesticated animals. Rav Ḥisda said: What** is the meaning of that **which is written: "And the flocks** [*ve'ashterot*] **of your sheep"** (Deuteronomy 7:13)? It means **that** sheep **enrich** [*me'ashrot*] **their owners.**

וְאָמַר רַבִּי יוֹחָנָן: כָּסָא דְּחָרְשִׁין וְלָא כָּסָא דְּפוּשְׁרִין. וְהָנֵי מִילֵּי – בִּכְלֵי מַתָּכוֹת, אֲבָל בִּכְלֵי חֶרֶשׂ – לֵית לָן בָּהּ; וּבִכְלֵי מַתָּכוֹת נַמִּי לָא אֲמַרַן, אֶלָּא דְּלָא שָׁדֵי בְּהוּ צִיבְעָא – לֵית לָן בָּהּ; וְכִי לָא שָׁדֵי בְּהוּ צִיבְעָא נַמִּי לָא אֲמַרַן, אֶלָּא דְּלָא צִיץ, אֲבָל צִיץ – לֵית לָן בָּהּ.

The Gemara cites additional statements by Rabbi Yoḥanan providing practical advice. **Rabbi Yoḥanan says:** It is preferable to drink from **a cup of witches and not** to drink from **a cup of lukewarm** water,[B] which is extremely unhealthy. Rabbi Yoḥanan qualifies his statement: **We said this only with regard to** lukewarm water **in metal vessels, but in earthenware vessels we have no** problem **with it. And even in metal vessels, we said** that lukewarm water is unhealthy **only** in a case where **one did not cast flavorings into** the water, **but if he cast flavorings into** the water **we have no** problem **with it. And even if one cast flavorings into** the water, **we said this only** in a case **where** the water had **not** been **boiled** [*tzeyatz*],[L] **but** if the water had been **boiled we have no** problem **with it.**

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וְאָמַר רַבִּי יוֹחָנָן: מִי שֶׁהִנִּיחַ לוֹ אָבִיו מָעוֹת וְרוֹצֶה לְאַבְּדָן – יִלְבַּשׁ כְּלֵי פִשְׁתָּן, וְיִשְׁתַּמֵּשׁ בִּכְלֵי זְכוּכִית, וְיִשְׂכּוֹר פּוֹעֲלִים וְאַל יֵשֵׁב עִמָּהֶן. יִלְבּוֹשׁ כְּלֵי פִשְׁתָּן – בְּכִיתָּנָא רוּמְיָתָא, וְיִשְׁתַּמֵּשׁ בִּכְלֵי זְכוּכִית – בִּזּוּגִיתָּא חִיוְרְתָּא, וְיִשְׂכּוֹר פּוֹעֲלִים וְאַל יֵשֵׁב עִמָּהֶן – בְּתוֹרֵי דְּנָפֵישׁ פְּסִידְיֵיהוּ.

And Rabbi Yoḥanan says: In the case of **one whose father bequeathed him a great deal of money and he seeks to lose it,** he **should wear linen garments, and should use glass vessels, and should hire laborers and not sit with them** to supervise. The Gemara elaborates: **He should wear linen garments;** this is stated **with regard to Roman linen,** which becomes tattered quickly. **He should use glass vessels;** this is stated **with regard to** expensive **white glass.**[B] **And he should hire laborers and not sit with them;** this applies to laborers who work **with oxen, whose** potential for causing **damage is great** if they are not supervised, as they will trample the crops.

דָּרַשׁ רַב עֲוִירָא, זִימְנִין אָמַר לָהּ מִשְּׁמֵיהּ דְּרַבִּי אַמִּי, וְזִימְנִין אָמַר לָהּ מִשְּׁמֵיהּ דְּרַבִּי אַסִי: מַאי דִּכְתִיב ״טוֹב אִישׁ חוֹנֵן וּמַלְוֶה יְכַלְכֵּל דְּבָרָיו בְּמִשְׁפָּט״ – לְעוֹלָם יֹאכַל אָדָם וְיִשְׁתֶּה פָּחוֹת מִמַּה שֶּׁיֵּשׁ לוֹ, וְיִלְבַּשׁ וְיִתְכַּסֶּה בְּמַה שֶּׁיֵּשׁ לוֹ, וְיכַבֵּד אִשְׁתּוֹ וּבָנָיו יוֹתֵר מִמַּה שֶּׁיֵּשׁ לוֹ; שֶׁהֵן תְּלוּיִין בּוֹ, וְהוּא תָּלוּי בְּמִי שֶׁאָמַר וְהָיָה הָעוֹלָם.

Rav Avira interpreted the following verse homiletically, but **sometimes** he **said** the interpretation **in the name of Rabbi Ami and sometimes he said it in the name of Rabbi Asi: What** is the meaning of that **which is written: "Good is the man who is gracious and lends, who orders his affairs with justice"** (Psalms 112:5)? It means to teach that **a person should always eat and drink less**[H] **than what is** within **his means, and he should dress and cover himself in accordance with his means, and he should honor his wife and children more than what is** within **his means; as they are dependent on him and he is dependent on the One Who spoke and the world was** created.

דָּרַשׁ רַב עֵינָא אַפִּתְחָא דְּבֵי רֵישׁ גָּלוּתָא: הַשּׁוֹחֵט לַחוֹלָה בְּשַׁבָּת – חַיָּיב לְכַסּוֹת. אָמַר לְהוּ רַבָּה: אֶשְׁתּוֹמֵמְנָא קָאָמַר, לִישְׁמְטוּהּ לְאָמּוֹרֵיהּ מִינַּיְיהוּ. דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: כּוֹי – אֵין שׁוֹחֲטִין אוֹתוֹ בְּיוֹם טוֹב, וְאִם שָׁחֲטוּ – אֵין מְכַסִּין אֶת דָּמוֹ;

§ The mishna teaches that one may not slaughter a *koy* on a Festival since he may not cover its blood, as it is unclear whether there is an obligation by Torah law to do so. But if one transgressed and slaughtered a *koy*, one does not cover its blood. With regard to this, **Rav Eina taught at the entrance to the house of the Exilarch: One who slaughters** an undomesticated animal or a bird **for** a critically **ill** person **on Shabbat,**[H] for whom it is permitted to slaughter, is **obligated to cover** its blood.[N] **Rabba said to** those present: Rav Eina **is saying an astonishing** statement; **remove his interpreter from** before **him. As it is taught** in a *baraita* that **Rabbi Yosei says: One may not slaughter a *koy* on a Festival, but if he slaughtered** it, **one does not cover its blood** until after the Festival.

מִקַּל וָחוֹמֶר: וּמַה מִּילָה שֶׁוָּדָאָהּ דּוֹחָה שַׁבָּת – אֵין סְפֵיקָהּ דּוֹחָה יוֹם טוֹב, כְּסוּי שֶׁאֵין וַדַּאוֹ דּוֹחֶה שַׁבָּת – אֵין דִּין שֶׁאֵין סְפֵקוֹ דּוֹחֶה יוֹם טוֹב?

Rabbi Yosei elaborates: This can be derived **from an *a fortiori*** inference: **And if** with regard to the mitzva of **circumcision,** concerning **which a definite** obligation **overrides Shabbat,** nevertheless **its uncertain** obligation **does not override a Festival;**[H] then with regard to the mitzva of **covering** the blood, concerning **which** even **a definite** obligation **does not override Shabbat,** is it **not logical that its uncertain** obligation, e.g., covering the blood of a *koy*, **would not override a Festival?** Although circumcision involves an act of prohibited labor, one performs it on Shabbat for a male infant whose eighth day from birth occurs on Shabbat. But in a case where it is uncertain when the eighth day from birth occurs, it is forbidden to circumcise the child on a Festival. By contrast, covering the blood is never performed on Shabbat.

BACKGROUND

White glass – זוּגִיתָּא חִיוְרְתָּא: White glass, which was apparently completely transparent, was more difficult to produce than colored glass, as it required special care in selecting raw materials that were free from any impurity. The vessels made of white glass were extremely fragile, and therefore the use of those vessels would often lead to financial loss due to breakage of the glass.

NOTES

One who slaughters for an ill person on Shabbat is obligated to cover the blood – הַשּׁוֹחֵט לַחוֹלָה בְּשַׁבָּת חַיָּיב לְכַסּוֹת: Rashi explains Rav Eina's rationale as follows: Since the prohibition against slaughtering an animal on Shabbat is overridden in this life-threatening situation, all *halakhot* applicable to slaughter override Shabbat as well. Therefore, the requirement to cover the blood overrides Shabbat. It would appear that according to Rashi, the mitzva of covering the blood is not viewed as independent of the act of slaughtering, but as the conclusion of the slaughter (see *Ḥatam Sofer*).

According to many early commentaries, the Gemara here is referring to a case where the act of covering the blood would not entail a prohibition by Torah law such as digging or crumbling clods of earth, but rather a prohibition by rabbinic law. Nevertheless, it would seem from the conclusion of the Gemara that even if covering the blood entails the transgression of a prohibition only by rabbinic law, one does not cover the blood (see *Torat HaBayit* 1:5).

HALAKHA

A person should always eat and drink less, etc. – לְעוֹלָם יֹאכַל אָדָם וְיִשְׁתֶּה פָּחוֹת וכו׳: The Sages teach that a Torah scholar should manage his financial affairs judiciously. He should eat, drink, and provide for his household in accordance with his income and degree of success without overexerting himself. Moreover, the Sages have directed that one should always eat and drink less than what is within his financial means, and that he should honor his wife and children more than what is within his means (Rambam *Sefer HaMadda*, *Hilkhot Deot* 5:10).

One who slaughters for an ill person on Shabbat – הַשּׁוֹחֵט לַחוֹלָה בְּשַׁבָּת: One who slaughters an animal for an ill person on Shabbat may not cover its blood until after Shabbat. Although the act of slaughtering overrides Shabbat, covering the blood does not. This is the *halakha* even if the covering would have entailed the violation of a prohibition by rabbinic law alone, e.g., the earth did not require crumbling. This ruling is in accordance with the opinion of Rabba, who rejects the opinion of Rav Eina and instead rules in accordance with the opinion of Rabbi Yosei in the *baraita*.

Some suggest that if one had earth previously designated for use to cover one's excrement on Shabbat, that earth may be used to cover the blood as well, as this would not even violate a prohibition by rabbinic law (*Kolbo*, citing *Sefer HaMeorot*). This opinion is dismissed by the later commentaries (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:4; *Shulḥan Arukh*, *Yoreh De'a* 28:16, and see *Beur HaGra* and *Pitḥei Teshuva* there).

Circumcision, whose definite obligation overrides Shabbat, and its uncertain obligation does not override a Festival – מִילָה שֶׁוָּדָאָהּ דּוֹחָה שַׁבָּת אֵין סְפֵיקָהּ דּוֹחָה יוֹם טוֹב: In a case where a circumcision takes place at its proper time, it overrides Shabbat. In a case where the obligation to perform a circumcision is questionable, e.g., if the infant was born during twilight, it overrides neither Shabbat nor a Festival. This is in accordance with the ruling of the Gemara in tractate *Shabbat* 137a, and the opinion of Rabbi Yosei here (Rambam *Sefer Ahava*, *Hilkhot Mila* 1:9; *Shulḥan Arukh*, *Yoreh De'a* 266:2, 8).

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HALAKHA

The sounding of the shofar in the provinces, etc. – תְּקִיעַת שׁוֹפָר בַּגְּבוּלִים וכו׳: The sounding of the shofar on Rosh HaShana overrides the Festival. Even an individual whose sex is undetermined, such as a *tumtum* or a hermaphrodite, is obligated to sound the shofar. This is in accordance with the statement of the *baraita*, as explained by the Gemara. When Rosh HaShana occurs on Shabbat the shofar is not sounded outside the Temple, in accordance with the mishna in *Rosh HaShana* 29b (Rambam *Sefer Zemanim*, *Hilkhot Shofar VeSukka VeLulav* 2:1, 6, 8; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 588:5).

אָמַר לוֹ: תְּקִיעַת שׁוֹפָר בַּגְּבוּלִים תּוֹכִיחַ, שֶׁאֵין וַדָּאוֹ דּוֹחֶה שַׁבָּת, וּסְפֵיקוֹ דּוֹחֶה יוֹם טוֹב!

The Sages **said to him** in rebuttal: **The sounding of the shofar in the provinces,**[H] i.e., outside the Temple, **will prove** that this *a fortiori* inference is incorrect. This is **because its definite** obligation **does not override Shabbat** and it is prohibited to sound the shofar on Rosh HaShana that falls on Shabbat; **and** yet **its uncertain** obligation **overrides** the **Festival.**

הֵשִׁיב רַבִּי אֶלְעָזָר הַקַּפָּר בְּרִיבִּי תְּשׁוּבָה: מַה לְּמִילָה – שֶׁכֵּן אֵינָהּ נוֹהֶגֶת בְּלֵילֵי יָמִים טוֹבִים, תֹּאמַר בְּכִסּוּי שֶׁנּוֹהֵג בְּלֵילֵי יָמִים טוֹבִים?

Rabbi Elazar HaKappar[P] **the Distinguished responded** with another **refutation** of the *a fortiori* inference: It cannot be inferred from circumcision that an uncertain obligation of the mitzva of covering the blood does not override a Festival. **What** is notable **about circumcision?** It is notable in **that it is not in effect on Festival nights,** but is performed only during the daytime. Will **you** then **say with regard to** the mitzva of **covering** the blood, **which is in effect on Festival nights,** that it does not override a Festival? Perhaps, since the mitzva of covering the blood is in effect during both day and night, its uncertain obligation overrides a Festival as well.

אָמַר רַבִּי אַבָּא: זֶה אֶחָד מִן הַדְּבָרִים שֶׁאָמַר רַבִּי חִיָּיא: אֵין לִי עֲלֵיהֶם תְּשׁוּבָה, וְהֵשִׁיב רַבִּי אֶלְעָזָר הַקַּפָּר בְּרִיבִּי תְּשׁוּבָה.

In reference to Rabbi Elazar HaKappar's refutation, **Rabbi Abba says: This** *a fortiori* inference drawn by Rabbi Yosei is **one of the matters** with regard to **which Rabbi Ḥiyya says: I do not have any refutation for them, and Rabbi Elazar HaKappar the Distinguished** successfully **responded** with **a refutation.**

קָתָנֵי מִיהַת: כִּסּוּי שֶׁאֵין וַדָּאוֹ דּוֹחֶה שַׁבָּת; מַאי וַדָּאוֹ דְּכִסּוּי דְּלָא דָּחֵי שַׁבָּת, לָאו הַשּׁוֹחֵט לַחוֹלֶה בְּשַׁבָּת?

Rabba concludes his refutation of the statement of Rav Eina: **In any event,** the *baraita* **teaches that definite** obligations with regard to the mitzva of **covering** the blood **do not override Shabbat.** Now, **what** is a case of **a definite** obligation **of covering** the blood **that does not override Shabbat?** Is it **not** a case where **one slaughters** an undomesticated animal or a bird **for** a critically **ill** person **on Shabbat?** The *baraita* nevertheless teaches that one does not cover the blood, in contradiction to the ruling of Rav Eina.

וְדִלְמָא דְּעָבַר וְשָׁחַט!

The Gemara asks: **But perhaps** the *baraita* is referring to an instance **where** one **transgressed** Shabbat **and slaughtered** an animal for a healthy person. But in a case where one slaughtered an animal for an ill person, since it was permitted for him to slaughter the animal, perhaps he must cover the blood as well.

דּוּמְיָא דְּמִילָה, מַה מִּילָה – בִּרְשׁוּת, אַף כִּסּוּי נַמִּי – בִּרְשׁוּת.

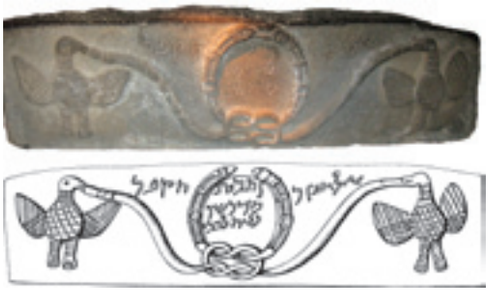
The Gemara responds: The *baraita* cannot be referring to such a case, since Rabbi Yosei compares it with circumcision. Therefore, it must be **similar to** the case of **circumcision,** in that **just as** the **circumcision** was performed **with permission,** as it is a mitzva to perform circumcision even if the eighth day falls on Shabbat, **so too,** the **covering** of the blood must be referring to a case where the slaughter was done **with permission,** i.e., for an ill person. Accordingly, the *baraita* poses a difficulty to the statement of Rav Eina.

אָמְרוּ לוֹ: תְּקִיעַת שׁוֹפָר בַּגְּבוּלִין תּוֹכִיחַ, שֶׁאֵין וַדָּאוֹ דּוֹחֶה שַׁבָּת וּסְפֵיקוֹ דּוֹחֶה יוֹם טוֹב. מַאי סְפֵיקָהּ?

§ The *baraita* states that the Sages **said to** Rabbi Yosei in refutation of his *a fortiori* inference: **The sounding of the shofar in the provinces will prove** that the inference is incorrect, **since its definite** obligation **does not override Shabbat and its uncertain** obligation **overrides a Festival.** The Gemara asks: **What** is **its uncertain** obligation that overrides a Festival?

PERSONALITIES

Rabbi Elazar HaKappar – רַבִּי אֶלְעָזָר הַקַּפָּר: Rabbi Elazar HaKappar was a Sage who lived in the last generation of *tanna'im*. Several of his halakhic statements are mentioned in *baraitot* and halakhic midrash. His aggadic and ethical statements are mentioned in the Mishna, Gemara, and *midrashim*. The details of his life are unknown, other than the fact that he had a son named Rabbi Eliezer. He apparently lived and was active for a period of time in the city of Lod, and Rabbi Yehoshua ben Levi was his primary disciple. The meaning of the title HaKappar is not clear; it may refer to the place where he lived or to his occupation, which may have involved wool [*purkin*]. Some speculate that he may have been a relative of the Sage bar Kappara.



Ancient engraving and sketch. The inscription reads: This is the study hall of Rabbi Elazar HaKappar

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אִילֵּימָא סָפֵק חוֹל סָפֵק יוֹם טוֹב; הָשְׁתָּא וַדַּאי יוֹם טוֹב דָּחֲיָא, סָפֵק יוֹם טוֹב סָפֵק חוֹל מִיבָּעְיָא?

If we say that it is referring to **uncertainty** with regard to whether one of the two days of Rosh HaShana is **a weekday** or **a Festival,** this is unfeasible: **Now** that the sounding of the shofar **overrides** the **definite Festival** of Rosh HaShana, **is it necessary** to teach that it overrides a day with regard to which it is **uncertain** whether it is **a Festival** or **a weekday?** That is, if the uncertainty is with regard to the Festival itself, then this case should have no bearing on the *halakha* concerning the obligation to cover the blood of a *koy* on a Festival, since the latter occurs on a definite Festival.

Perek **VI**
Daf **85** Amud **a**

אֶלָּא סָפֵק אִישׁ סָפֵק אִשָּׁה.

Rather, it must be that the **uncertainty** in the case of the sounding of the shofar concerns whether a particular individual is **a man** or **a woman,** e.g., a *tumtum*, whose sexual organs are indeterminate. Although a woman is not obligated in the mitzva of sounding the shofar, a *tumtum* is in fact obligated, despite the uncertainty of sex. It is therefore possible to derive from the sounding of the shofar that if one slaughters a *koy*, an animal whose status as a domesticated or undomesticated animal is uncertain, on a Festival, one covers its blood.

וְרַבִּי יוֹסֵי לְטַעְמֵיהּ, דְּאָמַר: אִשָּׁה וַדַּאי נָמֵי תָּקְעָה. דְּתַנְיָא: בְּנֵי יִשְׂרָאֵל סוֹמְכִין וְלֹא בְּנוֹת יִשְׂרָאֵל סוֹמְכוֹת;

The Gemara notes: **And Rabbi Yosei,** who does not accept this refutation, conforms **to his** standard line of **reasoning, as he says:** One who is **definitely a woman may also sound** the shofar on Rosh HaShana. **As it is taught** in a *baraita* concerning the verse that discusses a burnt offering: "Speak to the sons of Israel… and he shall place his hands upon the head of the burnt offering" (Leviticus 1:2–4). The verse indicates that **the sons of Israel place** their hands[B] upon the head of an offering, **but the daughters of Israel do not**[H] **place** their hands.

רַבִּי יוֹסֵי וְרַבִּי שִׁמְעוֹן אוֹמְרִים: נָשִׁים סוֹמְכוֹת רְשׁוּת.

Rabbi Yosei and Rabbi Shimon say: It is **optional** for **women** to **place** their hands on the head of an offering before it is slaughtered. Even though women are not obligated to place their hands, doing so is not considered to be performing labor with a sacrificial item, an act normally prohibited, despite the fact that one performs the placing of the hands by leaning with all of his weight on the animal. Similarly, Rabbi Yosei holds that although women are not obligated in the sounding of the shofar, it is optional for them to sound it, and it is not considered a desecration of the Festival.

אֲמַר רָבִינָא: וּלְמַאי דְּקָאָמְרִי רַבָּנַן, נָמֵי אִית לֵיהּ פִּירְכָא: מַה לִּתְקִיעַת שׁוֹפָר – שֶׁכֵּן וַדַּאי דּוֹחָה שַׁבָּת בַּמִּקְדָּשׁ, תֹּאמַר בְּכִיסּוּי – דְּלֵיתֵיהּ כְּלָל!

Ravina said: And even according **to what the Sages said,** that a woman may not sound the shofar on Rosh HaShana but a *tumtum* is nevertheless obligated due to uncertainty, **there is a refutation** to their claim **as well.** One cannot derive from this that the obligation to cover the blood of a *koy* overrides a Festival. **What** is notable **about the sounding of the shofar?** It is notable in **that its definite** obligation **overrides Shabbat in the Temple,** as it was sounded in the Temple even when Rosh HaShana occurred on Shabbat, and it is therefore understandable that its uncertain obligation overrides a Festival as well. **Can you say** the same **with regard to** the mitzva of **covering** the blood, **which does not** override Shabbat in **any** instance?

BACKGROUND

Place their hands – סוֹמְכִין: All offerings brought to the Temple by an individual require him to perform the act of placing hands, with the exceptions of the firstborn of a kosher animal, the Paschal offering, and an animal tithe offering. The ceremony is done by pressing both of one's hands down with all his strength between the horns on the head of the animal to be sacrificed, before it is slaughtered. No communal offerings require this ceremony, apart from the bull brought for an unwitting communal sin and the scapegoat on Yom Kippur. When performing this ritual for a sin offering, a guilt offering, or a voluntary burnt offering, the one bringing the offering also recites a confessional prayer. An offering requiring placing of hands is not invalidated if the ceremony is not performed. Women are not obligated to perform the act of placing hands. According to some opinions, they may perform a similar rite if they so desire.



High Priest placing hands on the goat of Yom Kippur

HALAKHA

The sons of Israel place their hands but the daughters of Israel do not – בְּנֵי יִשְׂרָאֵל סוֹמְכִין וְלֹא בְּנוֹת יִשְׂרָאֵל: A woman is not permitted to place her hands upon her offering. This is in accordance with the mishna in *Menaḥot* 93a and not in accordance with the opinions of Rabbi Yosei and Rabbi Shimon (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 3:8).

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הֵשִׁיב רַבִּי אֶלְעָזָר הַקַּפָּר בְּרִיבִּי: מַה לְּמִילָה, שֶׁכֵּן אֵינָהּ נוֹהֶגֶת בְּלֵילֵי יָמִים טוֹבִים. בְּלֵילֵי יָמִים טוֹבִים הוּא דְּלָא נָהֲגָא, בְּשַׁבָּת לֵילֵי נָהֲגָא?

The Gemara continues its analysis of the *baraita*: **Rabbi Elazar HaKappar the Distinguished responded** with another refutation to Rabbi Yosei's *a fortiori* inference: One cannot infer from the mitzva of circumcision that an uncertain obligation to cover the blood of a *koy* does not override a Festival. **What** is notable **about circumcision?** It is notable in **that it is not in effect on Festival nights.** Can you say the same with regard to the mitzva of covering the blood, which is in effect on Festival nights? The Gemara asks: Does Rabbi Elazar HaKappar mean to say **that** the mitzva of circumcision **is not in effect** only **on Festival nights,** but **it is in effect on other,** non-Festival **nights?** Isn't circumcision always performed during the day?

אֶלָּא, מַה לְּמִילָה – שֶׁכֵּן אֵינָהּ נוֹהֶגֶת בַּלֵּילוֹת כְּבַיָּמִים, תֹּאמַר בִּכְסוּי – שֶׁנּוֹהֵג בַּלֵּילוֹת כְּבַיָּמִים! אָמַר רַבִּי אַבָּא: זֶה אֶחָד מִן הַדְּבָרִים שֶׁאָמַר רַבִּי חִיָּיא אֵין עַלֵּיהֶן תְּשׁוּבָה, וְהֵשִׁיב רַבִּי אֶלְעָזָר בְּרִבִּי תְּשׁוּבָה.

The Gemara responds: **Rather,** Rabbi Elazar HaKappar meant the following: **What** is notable **about circumcision?** It is notable in **that it is not in effect at night as** it is **by day.**[H] **Can you say** a similar *halakha* **with regard to** the mitzva of **covering** the blood, **which is in effect at night as** it is **by day? Rabbi Abba said: This** *a fortiori* inference drawn by Rabbi Yosei is **one of the matters** with regard to **which Rabbi Ḥiyya says** that **there is no refutation for them, and Rabbi Elazar HaKappar the Distinguished** successfully **responded** with **a refutation.**

מתני׳ הַשּׁוֹחֵט וְנִמְצֵאת טְרֵיפָה, וְהַשּׁוֹחֵט לַעֲבוֹדָה זָרָה, וְהַשּׁוֹחֵט חוּלִּין בְּפָנִים, וְקָדָשִׁים בַּחוּץ, חַיָּה וְעוֹף הַנִּסְקָלִים – רַבִּי מֵאִיר מְחַיֵּיב, וַחֲכָמִים פּוֹטְרִים.

MISHNA In the case of **one who slaughters** an undomesticated animal or a bird **and it is discovered to be an animal with a wound that would have caused it to die within twelve months** [***tereifa***];[H] and in the case of **one who slaughters** an undomesticated animal or a bird **for** the sake of **idol worship; and** in the case of **one who slaughters a non-sacred** animal or bird **inside** the Temple courtyard **or a sacrificial** bird **outside** the Temple courtyard; or in the case of one who slaughters **an undomesticated animal or a bird that** was sentenced to **be stoned,** e.g., for killing a person; in all these cases, even though it is prohibited to eat any of these animals or birds, **Rabbi Meir deems** one **obligated** to cover their blood, **and the Rabbis deem** one **exempt** from doing so because, in their opinion, slaughter that is not fit to render the meat permitted for consumption is not considered an act of slaughter.

הַשּׁוֹחֵט וְנִתְנַבְּלָה בְּיָדוֹ, הַנּוֹחֵר וְהַמְעַקֵּר – פָּטוּר מִלְּכַסּוֹת.

One who slaughters an animal or bird **and it became a carcass by his hand,** i.e., the slaughter was performed incorrectly, and **one who stabs** the animal or bird, **and one who tears loose**[N] the windpipe and the gullet, are **exempt from covering**[N] the blood, as no act of slaughter took place, and one is obligated to cover blood only after a valid slaughter.

גמ׳ אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: רָאָה רַבִּי דְּבָרָיו שֶׁל רַבִּי מֵאִיר בְּאוֹתוֹ וְאֶת בְּנוֹ – וּשְׁנָאוֹ בִּלְשׁוֹן חֲכָמִים, וּדְרַבִּי שִׁמְעוֹן בִּכְסוּי הַדָּם – וּשְׁנָאוֹ בִּלְשׁוֹן חֲכָמִים.

GEMARA With regard to the dispute in the mishna about whether an act of slaughter that is not fit to render the meat permitted renders one obligated to cover the blood, **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: Rabbi** Yehuda HaNasi, the redactor of the Mishna, **saw** as correct **the statement of Rabbi Meir,** that ineffective slaughter is considered an act of slaughter, **with regard to** the prohibition against slaughtering **a mother and its offspring** on the same day, **and taught** that *halakha* in the mishna (81b) **using the term: The Rabbis,** so that it would be accepted. **And** he saw as correct the statement **of Rabbi Shimon,** that ineffective slaughter is not considered an act of slaughter **with regard to** the mitzva of **covering the blood, and taught** that *halakha* in the mishna here **using the term: The Rabbis.**

מַאי טַעְמָא דְּרַבִּי מֵאִיר בְּאוֹתוֹ וְאֶת בְּנוֹ? אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: גְּמַר שְׁחִיטָה שְׁחִיטָה מִשְּׁחוּטֵי חוּץ,

The Gemara asks: **What is the reason that Rabbi Meir** holds that ineffective slaughter is considered an act of slaughter in the case of **a mother and its offspring? Rabbi Yehoshua ben Levi said:** He **derives** his opinion by means of a verbal analogy of the terms **slaughter** and **slaughter, from** the case of sacrificial animals **slaughtered outside** the Temple. The verse states with regard to a mother and its offspring: "It and its offspring you shall not slaughter [*lo tishḥatu*] in one day" (Leviticus 22:28), and the verse states with regard to sacrificial animals: "Or that is slaughtered [*yishḥat*] outside the camp" (Leviticus 17:3).

HALAKHA

Circumcision…is not in effect at night as it is by day – מִילָה...אֵינָהּ נוֹהֶגֶת בַּלֵּילוֹת כְּבַיָּמִים: Circumcision may be performed only during the day, after sunrise, in accordance with the ruling of the mishna in *Megilla* 20a (Rambam *Sefer Ahava*, *Hilkhot Mila* 1:8; *Shulḥan Arukh*, *Yoreh De'a* 262:1).

One who slaughters and it is discovered to be a *tereifa*, etc. – הַשּׁוֹחֵט וְנִמְצֵאת טְרֵיפָה וכו': The following are cases in which the mitzva of covering the blood does not apply, as the slaughter is considered improper in that it does not render the meat fit for consumption: The slaughter of a *tereifa*; the slaughter of a non-sacred animal in the Temple courtyard; the slaughter or either an undomesticated animal or a bird, either of whom are pending death by stoning; the slaughter for the sake of idolatry; and an erroneous slaughter that rendered the animal or bird a carcass (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:10; *Shulḥan Arukh*, *Yoreh De'a* 28:17).

NOTES

One who stabs [*noḥer*] and one who tears loose [*me'aker*] – הַנּוֹחֵר וְהַמְעַקֵּר: *Me'aker* is generally understood as referring to the act of uprooting the windpipe and gullet, thereby killing the animal. With regard to *noḥer*, Rashi usually explains that it refers to tearing the animal, beginning from the nostrils, but here he explains that *noḥer* refers to strangulation. Some explain that *noḥer* refers to stabbing. In any event, the mishna refers to some method of killing the animal that does not involve a proper slaughter.

Exempt from covering – פָּטוּר מִלְּכַסּוֹת: Some suggest this as a proof that covering the blood is not an independent mitzva, but rather it is contingent on the slaughter. Others add that the covering is seen as the completion of the slaughter. The early commentaries use these opinions to explain the position of the *Halakhot Gedolot*, which maintains that one does not recite the blessing on the covering of the blood prior to the act itself, as is typically done with regard to other blessings recited when performing a mitzva, but only afterward. The rationale is that before the covering, the person is considered as still involved in the mitzva of slaughter, and one may not recite a blessing on a mitzva while in the middle of performing another mitzva (see Ramban to 86b; Rabbeinu Yeruḥam).

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מָה הָתָם – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, אַף הָכָא נַמִּי – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה.

Accordingly, **just as there,** with regard to one who slaughters an offering outside the Temple it is a case of **slaughter that is not fit** to render the meat permitted, as one is prohibited from deriving any benefit from such meat, and it **is** nevertheless **considered** an act of **slaughter** to render one liable for slaughtering it outside the Temple, **so too here,** in the case of a mother and its offspring, an act of **slaughter that is not fit** to render the meat permitted **is considered** an act of **slaughter,** and one is liable.

וְרַבִּי שִׁמְעוֹן, מַאי טַעְמָא? אֲמַר רַבִּי מָנִי בַּר פָּטִישׁ: גָּמַר מִ"טִּבַּח טֶבַח וְהָכֵן", מַה לְּהַלָּן – שְׁחִיטָה רְאוּיָה, אַף כָּאן – שְׁחִיטָה רְאוּיָה.

The Gemara asks: **And** as for **Rabbi Shimon, what is the reason** he holds that an ineffective slaughter is not considered an act of slaughter? **Rabbi Mani bar Pattish said:** Rabbi Shimon **derives** his opinion **from** the verse: "**Slaughter** [***tevo'aḥ***] **and prepare;** for the men shall dine with me at noon" (Genesis 43:16). **Just as there,** the verse is referring to an act of **slaughter** that is **fit** to render the meat permitted, **so too here,** in the case of a mother and its offspring, only an act of **slaughter** that is **fit** to render the meat permitted is considered an act of slaughter.

וְרַבִּי מֵאִיר נַמִּי, לִיגְמַר מִ"טִּבַּח"! דָּנִין שְׁחִיטָה מִשְּׁחִיטָה, וְאֵין דָּנִין שְׁחִיטָה מִטְּבִיחָה.

The Gemara suggests: **And** as for **Rabbi Meir as well, let him derive from "*tevo'aḥ*"** that only an effective slaughter is considered an act of slaughter. The Gemara responds: According to Rabbi Meir, **one derives** the *halakha* with regard to a term of ***sheḥita* from** another instance of a term of ***sheḥita*, and one does not derive** the *halakha* with regard to the term of ***sheḥita* from** the term of ***teviḥa*.**

מַה נָּפְקָא מִינָּהּ? הָא תָּנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: "וְשָׁב הַכֹּהֵן" "וּבָא הַכֹּהֵן" – זוֹ הִיא שִׁיבָה, זוֹ הִיא בִּיאָה!

The Gemara asks: Being that both terms refer to slaughter, **what is the difference** which one is used; **didn't the school of Rabbi Yishmael teach** a verbal analogy with regard to leprosy of houses: The verse states: "**And the priest shall return** [***veshav***] on the seventh day" (Leviticus 14:39), and another verse with regard to the priest's visit seven days later states: "**And the priest shall come** [***uva***] and look" (Leviticus 14:44). **This returning** and **this coming** have the same meaning and one can therefore derive by verbal analogy that the *halakha* that applies if the leprosy had spread at the conclusion of the first week applies if it had spread again by the end of the following week.

הָנֵי מִילֵּי – הֵיכָא דְּלֵיכָּא דְּדָמֵי לֵיהּ, אֲבָל אִיכָּא דְּדָמֵי לֵיהּ – מִדְּדָמֵי לֵיהּ יָלְפִינַן.

The Gemara responds: **This statement** of the school of Rabbi Yishmael applies only **where there are no** other terms **that are identical to it** from which one could derive a verbal analogy. **But** if **there is** another term **that is identical to it, we derive** the verbal analogy **from** the term **that is identical to it.** Accordingly, Rabbi Meir derives a verbal analogy from the instance of *sheḥita* that appears with regard to sacrificial animals that are slaughtered outside the Temple.

וְרַבִּי שִׁמְעוֹן נַמִּי, לִיגְמַר מִשְּׁחוּטֵי חוּץ! דָּנִין חוּלִּין מֵחוּלִּין, וְאֵין דָּנִין חוּלִּין מִקָּדָשִׁים.

The Gemara suggests: **And** as for **Rabbi Shimon as well, let him derive from** the case of sacrificial animals that were **slaughtered outside** the Temple that ineffective slaughter is considered an act of slaughter. The Gemara responds: Rabbi Shimon holds that **one derives** the *halakha* with regard to the slaughter of **non-sacred** animals **from** another instance of the slaughter of **non-sacred** animals, **and one does not derive** the *halakha* with regard to the slaughter of **non-sacred** animals **from** an instance of the slaughter of **sacrificial** animals. The prohibition against slaughtering a mother and its offspring on the same day is stated primarily with regard to non-sacred animals (see 78a).

וְרַבִּי מֵאִיר: אַטּוּ אוֹתוֹ וְאֶת בְּנוֹ בְּקָדָשִׁים מִי לָא נָהֵיג? הַיְינוּ דְּקָאָמַר רַבִּי חִיָּיא: רָאָה רַבִּי דְּבָרָיו שֶׁל רַבִּי מֵאִיר בְּאוֹתוֹ וְאֶת בְּנוֹ, וּשְׁנָאוֹ בִּלְשׁוֹן חֲכָמִים.

The Gemara continues: **And Rabbi Meir** would respond: **Is this to say** that the prohibition against slaughtering **a mother and its offspring** on the same day **does not apply to sacrificial** animals? Rather, since the prohibition also applies to sacrificial animals, one can derive its *halakha* from the case of sacrificial animals that were slaughtered outside the Temple. The Gemara comments: **This is** what **Rabbi Ḥiyya** was referring to when he **said** that **Rabbi** Yehuda HaNasi **saw** as correct **the statement of Rabbi Meir with regard to** the *halakha* of **a mother and its offspring, and taught it** in the mishna **using the term: The Rabbis.**

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מַאי טַעְמָא דְּרַבִּי מֵאִיר בִּכְסּוּי הַדָּם? אֲמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: גְּמַר שְׁפִיכָה שְׁפִיכָה מִשְּׁחוּטֵי חוּץ, מַה לְהַלָּן – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, אַף כָּאן – שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה.

§ The Gemara resumes its discussion of the dispute in the mishna: **What is the reason that Rabbi Meir** holds one is obligated **in** the mitzva of **covering the blood** in a case of ineffective slaughter? **Rabbi Shimon ben Lakish said:** Rabbi Meir **derives** this from a verbal analogy between the terms **pouring** and **pouring, from** the case of a sacrificial animal that was **slaughtered outside** the Temple courtyard. One verse states with regard to covering the blood: "And he shall pour out its blood" (Leviticus 17:13), and one verse states with regard to sacrificial animals slaughtered outside the Temple courtyard: "He has poured blood" (Leviticus 17:4). Accordingly, **just as there,** with regard to offerings slaughtered outside the Temple courtyard, it is a case of **slaughter that is not fit** to render the meat permitted but **is** nevertheless **considered** an act of **slaughter, so too here,** with regard to covering the blood, an act of **slaughter that is not fit** to render the meat permitted **is considered** an act of **slaughter.**

וְרַבִּי שִׁמְעוֹן: ״אֲשֶׁר יֵאָכֵל״ כְּתִיב. וְרַבִּי מֵאִיר: הַהוּא לְמַעוּטֵי עוֹף טָמֵא הוּא דְּאָתָא. וְרַבִּי שִׁמְעוֹן: עוֹף טָמֵא מַאי טַעְמָא – דְּלָאו בַּר אֲכִילָה הוּא, טְרֵפָה נַמִּי – לָאו בַּר אֲכִילָה הוּא.

The Gemara continues: **And Rabbi Shimon** would respond: It is **written** with regard to covering the blood: "An undomesticated animal or bird **that may be eaten**" (Leviticus 17:13), indicating that the verse is referring specifically to slaughter fit to render the meat permitted for consumption. **And Rabbi Meir** holds: **That** phrase **comes to exclude a ritually impure bird** from the mitzva of covering the blood. **And Rabbi Shimon** would respond: **What is the reason an impure bird** is not included in the mitzva of covering the blood? It is **because it is not fit for consumption.** If so, **a *tereifa*** should **also** not be included in the mitzva of covering the blood, since **it is** also **not fit for consumption.**

וְהַיְינוּ דְּאָמַר רַבִּי חִיָּיא: רָאָה רַבִּי דְּבָרָיו שֶׁל רַבִּי שִׁמְעוֹן בִּכְסּוּי הַדָּם, וְשָׁנָאוֹ בִּלְשׁוֹן חֲכָמִים.

The Gemara comments: **And this is what Rabbi Ḥiyya is saying** when he said that **Rabbi** Yehuda HaNasi **saw** as correct **the statement of Rabbi Shimon with regard to** the *halakha* of **covering the blood, and taught it** in the mishna **using the term: The Rabbis.**

אָמַר רַבִּי אַבָּא:

§ **Rabbi Abba says:**

Perek **VI**
Daf **85** Amud **b**

לֹא לַכֹּל אָמַר רַבִּי מֵאִיר שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, מוֹדֶה רַבִּי מֵאִיר שֶׁאֵין מַתִּירָתָהּ בַּאֲכִילָה; וְלֹא לַכֹּל אָמַר רַבִּי שִׁמְעוֹן שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לֹא שְׁמָהּ שְׁחִיטָה, מוֹדֶה רַבִּי שִׁמְעוֹן שֶׁמְּטַהֲרָתָהּ מִידֵי נְבֵלָה.

Not with regard to all *halakhot* did **Rabbi Meir say** an act of **slaughter that is not fit,** e.g., where one slaughters a *tereifa,* **is considered** an act of **slaughter,** as **Rabbi Meir** does **concede that** such an act of slaughter **does not render** the meat of the animal **permitted for consumption. And not with regard to all** *halakhot* did **Rabbi Shimon say** an act of **slaughter that is not fit is not considered** an act of **slaughter,** as **Rabbi Shimon** does **concede that** such an act of slaughter **renders** the animal **pure from** having the impure status of an unslaughtered **animal carcass.**

אָמַר מָר: לֹא לַכֹּל אָמַר רַבִּי מֵאִיר שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, מוֹדֶה רַבִּי מֵאִיר שֶׁאֵין מַתִּירָתָהּ בַּאֲכִילָה. פְּשִׁיטָא! טְרֵפָה בִּשְׁחִיטָה מִי מִישְׁתְּרֵיָא?

The Gemara analyzes this statement: **The Master said** that **not with regard to all** *halakhot* did **Rabbi Meir say** an act of **slaughter that is not fit is considered** an act of **slaughter,** as **Rabbi Meir concedes that** such an act of slaughter **does not render** the meat of the animal **permitted for consumption.** The Gemara asks: Isn't this **obvious? Can a *tereifa* become permitted** for consumption **through slaughter?**

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לָא, צְרִיכָא, לְשׁוֹחֵט אֶת הַטְּרֵפָה וּמָצָא בָּהּ בֶּן תִּשְׁעָה חַי; סָלְקָא דַּעְתָּךְ אָמְרִינָא: הוֹאִיל דְּאָמַר רַבִּי מֵאִיר שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה – תְּהֵנֵי לֵיהּ שְׁחִיטַת אִמּוֹ, וְלָא לִיבָּעֵי שְׁחִיטָה, קָמַשְׁמַע לָן.

The Gemara answers: **No,** this statement of Rabbi Abba **is necessary in** a case where **one slaughtered a *tereifa* and found a living nine-month-old** fetus **inside it.**[NH] It might **enter your mind to say: Since Rabbi Meir said** an act of **slaughter that is not fit** to render the meat permitted **is considered** an act of **slaughter, the slaughter of its mother should be effective to** render the meat of the fetus permitted for consumption, as it normally does when the mother is not a *tereifa*; and the fetus, after it is born, **should not require** its own **slaughter.** Rabbi Abba therefore **teaches us** that according to Rabbi Meir, slaughter that does not render the meat of the mother permitted for consumption does not render the fetus permitted either.

וְתִסְבְּרָא? וְהָאָמַר רַבִּי מֵאִיר: בֶּן פְּקוּעָה טָעוּן שְׁחִיטָה!

The Gemara asks: **And** how can **you understand** that without Rabbi Abba's statement, one would have thought that according to Rabbi Meir, the fetus does not require its own slaughter? **But doesn't Rabbi Meir say** that **a fetus removed from its mother's womb after the mother was properly slaughtered** [*ben pekua*]**, requires slaughter,** as the slaughter of the mother does not permit the fetus?

לָא צְרִיכָא, דְּרַבִּי סָבַר לָהּ כְּרַבִּי מֵאִיר, וְסָבַר לָהּ כְּרַבָּנַן; סָבַר לָהּ כְּרַבִּי מֵאִיר – דְּאָמַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, וְסָבַר לָהּ כְּרַבָּנַן – דְּאָמְרִי: שְׁחִיטַת אִמּוֹ מְטַהַרְתּוּ;

The Gemara responds: The statement of Rabbi Abba **is not necessary** for the opinion of Rabbi Meir, but it is for the opinion of Rabbi Yehuda HaNasi. This is **because Rabbi** Yehuda HaNasi **holds in accordance with** the opinion of **Rabbi Meir** in one instance, **and holds in accordance with** the opinion of the Rabbis in another. In a case where one slaughtered a mother and its offspring on the same day **he holds in accordance with** the opinion of **Rabbi Meir, who says** an act of **slaughter that is not fit** to render the meat permitted **is considered** an act of **slaughter. And** with regard to a *ben pekua*, Rabbi Yehuda HaNasi **holds in accordance with** the opinion of **the Rabbis, who say the** proper **slaughter of the mother renders** the fetus **kosher,** i.e., the fetus does not require its own ritual slaughter.

כֵּיוָן דַּאֲמוּר רַבָּנַן: שְׁחִיטַת אִמּוֹ מְטַהַרְתּוּ – תְּהֵנֵי לֵיהּ שְׁחִיטַת אִמּוֹ, וְלָא לִיבָּעֵי שְׁחִיטָה, קָא מַשְׁמַע לָן.

Therefore, **since the Rabbis say the** proper **slaughter of the mother renders** the fetus **kosher,** one might conclude that with regard to a *tereifa* as well, Rabbi Yehuda HaNasi holds **the slaughter of the mother should be effective to** render the meat of the fetus permitted for consumption, **and it should not require** its own **slaughter.** In light of this, Rabbi Abba **teaches us** that although Rabbi Yehuda HaNasi agrees with Rabbi Meir that an ineffective slaughter is considered an act of slaughter, Rabbi Yehuda HaNasi holds that in the case of a *tereifa* the slaughter of the mother is not effective for the fetus.

״וְלֹא לְכֹל אָמַר רַבִּי שִׁמְעוֹן: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לֹא שְׁמָהּ שְׁחִיטָה, מוֹדֶה רַבִּי שִׁמְעוֹן שֶׁמְּטַהֲרָתָהּ מִידֵי נְבֵלָה״. פְּשִׁיטָא! דְּאָמַר רַב יְהוּדָה אָמַר רַב, וְאָמְרִי לָהּ בְּמַתְנִיתָא תָּנָא: ״וְכִי יָמוּת מִן הַבְּהֵמָה״ – מְקֻצָּת בְּהֵמָה מְטַמְּאָה, וּמְקֻצָּת בְּהֵמָה אֵינָהּ מְטַמְּאָה, וְאֵי זוֹ – זוֹ טְרֵפָה שֶׁשְּׁחָטָהּ!

The Gemara addresses the second statement of Rabbi Abba: **And not with regard to all** *halakhot* did **Rabbi Shimon say** an act of **slaughter that is not fit is not considered** an act of **slaughter,** as **Rabbi Shimon concedes that** such an act of slaughter **renders** the animal **pure from** having the impure status of an unslaughtered **animal carcass.** The Gemara asks: Isn't this **obvious? As Rav Yehuda says** that **Rav says, and some say it was taught in a *baraita*:** The verse states with regard to an animal carcass: **"And if there dies of the animals** … he that touches its carcass shall be unclean" (Leviticus 11:39). The word "of" indicates that **some animals transmit impurity** as a carcass **and some animals do not transmit impurity. And which** animal does not? **That is a *tereifa* that** one **slaughtered.**[H]

NOTES

And found a living nine-month-old fetus inside it – וּמָצָא בָּהּ בֶּן תִּשְׁעָה חַי: Since the pregnancy is complete, the fetus is no longer considered part of its mother. Rather, it is viewed as an independent creature and therefore not considered a *tereifa*. If it was found dead, or it was eight months old, it has *tereifa* status like its mother (*Tosafot*).

HALAKHA

One slaughtered a *tereifa* and found a living nine-month-old fetus inside it – שׁוֹחֵט אֶת הַטְּרֵפָה וּמָצָא בָּהּ בֶּן תִּשְׁעָה חַי: In the case of one who slaughters an animal and discovers it to be kosher, and finds a viable, nine-month-old fetus inside it, the fetus may be consumed without being slaughtered. This is the *halakha* provided it had not walked on the ground. If the fetus was found in the womb of an animal that one killed through tearing, or if the animal was rendered a carcass due to improper slaughter, or if the animal was found to be a *tereifa*, the fetus may be consumed only if it itself is properly slaughtered. In a case where the fetus was nine months old yet found dead, or if it was eight months old and living, its consumption is forbidden. This is in accordance with the opinion of the Rabbis in the mishna on 74a, who disagree with the opinion of Rabbi Meir, as explained by the Gemara on 75b. The Rema writes that nowadays it is forbidden to consume any fetus found in the womb of a *tereifa*, even if the fetus was subsequently slaughtered, as there is a concern it was less than nine months old (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:14–15; *Shulḥan Arukh*, *Yoreh De'a* 13:2–3).

And some animals do not transmit impurity…that is a *tereifa* that one slaughtered – וּמְקֻצָּת בְּהֵמָה אֵינָהּ מְטַמְּאָה...זוֹ טְרֵפָה שֶׁשְּׁחָטָהּ: A *tereifa* that was properly slaughtered is not permitted for consumption but is nevertheless pure from having the ritually impure status of a carcass (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:6).

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BACKGROUND

Decree to prevent violation of a decree – גְּזֵירָה לִגְזֵירָה: The reason the Sages did not issue decrees to prevent the violation of a decree is that even though it is derived from a verse that the Sages must establish a fence around the mitzvot, i.e., protective measures to prevent violation of the mitzvot, they were not instructed to make a fence around that fence. If that were to be the case it could continue *ad infinitum*. In some cases, however, the Gemara discusses a decree that seems to prevent the violation of another decree, and in those cases the Gemara explains that it was all part of the original decree.

לָא צְרִיכָא, לְשׁוֹחֵט אֶת הַטְּרֵפָה, וְהִיא חוּלִּין בָּעֲזָרָה. דְּתַנְיָא: הַשּׁוֹחֵט אֶת הַטְּרֵפָה, וְכֵן הַשּׁוֹחֵט וְנִמְצֵאת טְרֵיפָה, זֶה וְזֶה חוּלִּין בָּעֲזָרָה – רַבִּי שִׁמְעוֹן מַתִּיר בַּהֲנָאָה, וַחֲכָמִים אוֹסְרִין;

The Gemara responds: **No,** Rabbi Abba's statement **is necessary in** the case of **one who slaughters a *tereifa*, and it is a non-sacred** animal **in the Temple courtyard.**[H] **As it is taught** in a *baraita*: In the case of **one who slaughters** a known ***tereifa*, and likewise one who slaughters** an animal **and it was found** to be a ***tereifa*,** and **this and that** were **non-sacred** animals slaughtered **in the Temple courtyard,**[H] **Rabbi Shimon permits** one **to** derive **benefit** from them, as one is not considered to have transgressed the prohibition against slaughtering a non-sacred animal in the Temple courtyard. **And the Rabbis prohibit** one to derive benefit from them.

סָלְקָא דַּעְתָּךְ אָמִינָא: הוֹאִיל וְאָמַר רַבִּי שִׁמְעוֹן מוּתָּר בַּהֲנָאָה – אַלְמָא לָאו שְׁחִיטָה הִיא כְּלָל, אֵימָא: מִידֵּי נְבֵלָה נַמִּי לָא מְטַהֲרָה, קָא מַשְׁמַע לָן.

Accordingly, it might **enter your mind to say: Since Rabbi Shimon says** it is **permitted to derive benefit** from such an animal, **evidently** slaughtering a *tereifa* **is not considered slaughter at all.** Therefore, **say** that slaughter **does not** have the ability to **purify** the *tereifa* **from** having **the status of** a ritually impure **animal carcass either.** Rabbi Abba therefore **teaches us** that even according to Rabbi Shimon, the slaughter is effective to remove it from the status of a carcass.

אָמַר לֵיהּ רַב פַּפָּא לְאַבַּיֵי: וְסָבַר רַבִּי שִׁמְעוֹן חוּלִּין בָּעֲזָרָה דְּאוֹרַיְיתָא הִיא? אֲמַר לֵיהּ: אִין. וְהָתְנַן, רַבִּי שִׁמְעוֹן אוֹמֵר: חוּלִּין שֶׁנִּשְׁחֲטוּ בָּעֲזָרָה יִשָּׂרְפוּ בָּאֵשׁ, וְכֵן חַיָּה שֶׁנִּשְׁחֲטָה בָּעֲזָרָה; אִי אָמַרְתְּ בִּשְׁלָמָא דְּאוֹרַיְיתָא – הַיְינוּ דְּגָזְרִינַן חַיָּה אַטּוּ בְּהֵמָה.

Rav Pappa said to Abaye: And does **Rabbi Shimon hold** that the prohibition against deriving benefit from **non-sacred** animals slaughtered **in the Temple courtyard is by Torah law?** Abaye **said to** Rav Pappa: **Yes** he does. **And we learned** in a mishna (*Temura* 33b) that **Rabbi Shimon says: Non-sacred** animals **that were slaughtered in the** Temple **courtyard shall be burned in the fire. And likewise, an undomesticated animal that was slaughtered in the Temple courtyard**[H] shall be burned in the fire. Abaye continues: **Granted, if you say** the meat of a non-sacred domesticated animal slaughtered in the Temple courtyard is forbidden **by Torah law, this is** the reason why **we decree** that the meat of **an undomesticated animal** is prohibited as well, **due to** the Torah prohibition against deriving benefit from the meat of **a domesticated animal.**

אֶלָּא אִי אָמְרַתְּ דְּרַבָּנַן, בְּהֵמָה מַאי טַעְמָא – דְּיֵלְמָא אָתֵי לְמֵיכַל קָדָשִׁים בַּחוּץ; הֵיא גּוּפָהּ גְּזֵרָה, וַאֲנַן נֵיקוּם וְנִגְזוֹר גְּזֵירָה לִגְזֵירָה?

But if you say the meat of domesticated animals is forbidden **by rabbinic law** then the mishna is difficult: **What is the reason** the meat of a non-sacred **domesticated animal** is forbidden? It is forbidden **lest one** see someone consuming this meat outside the Temple courtyard and **arrive** at the erroneous conclusion that it is permitted **to partake of sacrificial** meat **outside** the Temple courtyard. If so, the prohibition against deriving benefit from the meat of a non-sacred domesticated animal is itself a rabbinic **decree, and will we** then **proceed to issue a decree** prohibiting one to derive benefit from a non-sacred undomesticated animal in order **to** prevent the violation of **a decree?**[B]

רַבִּי חִיָּיא נָפַל לֵיהּ יָאנִיבָא בְּכִיתָּנֵיהּ, אֲתָא לְקַמֵּיהּ דְּרַבִּי, אֲמַר לֵיהּ: שְׁקוֹל עוֹפָא וּשְׁחוֹט עַל בּוּבִיתָא דְּמַיָּא, דְּמוֹרַח דְּמָא וְשָׁבֵיק לֵיהּ.

§ The mishna teaches that one who stabs an undomesticated animal or bird, or who tears loose its windpipe and gullet, is exempt from covering the blood. With regard to this the Gemara relates: **Moths infested the flax of Rabbi Ḥiyya. He came before Rabbi** Yehuda HaNasi to ask how to get rid of the moths. Rabbi Yehuda HaNasi **said to him: Take a bird and slaughter** it **over the tub of water** in which the flax was soaked, **as** the moths will **smell the blood and leave** the flax.

HALAKHA

One who slaughters a *tereifa* and it is a…non-sacred animal in the Temple courtyard – שׁוֹחֵט אֶת הַטְּרֵפָה וְהִיא...חוּלִּין בָּעֲזָרָה: It is forbidden to derive benefit from a non-sacred animal that was slaughtered in the Temple courtyard, except if after being slaughtered it was discovered to be a *tereifa*. This is in accordance with the opinion of Rabbi Shimon, who maintains that an act of slaughter that is not fit is not considered slaughter (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:2, and see *Kesef Mishne* there).

Non-sacred animals slaughtered in the Temple courtyard – חוּלִּין בָּעֲזָרָה: It is forbidden to derive benefit from non-sacred animals that were slaughtered in the Temple courtyard; they must be buried (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:2).

An undomesticated animal that was slaughtered in the Temple courtyard – חַיָּה שֶׁנִּשְׁחֲטָה בָּעֲזָרָה: It is forbidden to derive benefit from a kosher undomesticated animal or bird that was slaughtered in the Temple courtyard. However, it is permitted to derive benefit if it was not of a kosher species. This ruling is based on the *Tosefta* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:2).

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הֵיכִי עֲבִיד הָכִי? וְהָתַנְיָא: הַשּׁוֹחֵט וְצָרִיךְ לְדָם – חַיָּיב לְכַסּוֹת, כֵּיצַד יַעֲשֶׂה? אוֹ נוֹחֲרוֹ אוֹ עוֹקְרוֹ!

The Gemara asks: **How could** Rabbi Ḥiyya **do this? But isn't it taught** in a *baraita*: **One who slaughters** a bird or an undomesticated animal, **and** does so only because he **needs the blood,**[H] **is** nevertheless **obligated to cover** the blood and may not use it for any other purpose? Rather, **how should** one who needs the blood **act?** He **either stabs it or tears loose** its windpipe and its gullet, so that it is not killed with an act of slaughter. How, then, could Rabbi Ḥiyya use the blood of the bird that he slaughtered to rid his flax of the moths?

כִּי אֲתָא רַב דִּימִי אֲמַר: ״צֵא טְרוֹף״ אֲמַר לֵיהּ. כִּי אֲתָא רָבִין אֲמַר: ״צֵא נְחוֹר״ אֲמַר לֵיהּ.

The Gemara responds: **When Rav Dimi came** from Eretz Yisrael, **he said** that Rabbi Yehuda HaNasi **said to** Rabbi Ḥiyya: **Go out** and **render** the bird **a *tereifa*,** and then slaughter it, as the mishna teaches that one who slaughters a *tereifa* is not required to cover its blood. **When Ravin came** from Eretz Yisrael, **he said** that Rabbi Yehuda HaNasi **said to** Rabbi Ḥiyya: **Go out** and **tear loose** the bird's windpipe and gullet.

לְמַאן דְּאָמַר: ״צֵא טְרוֹף״, מַאי טַעְמָא לָא אָמַר: ״צֵא נְחוֹר״?

The Gemara asks: **According to the one who says** that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: **Go out** and **render** the bird **a *tereifa*, what is the reason** that Rabbi Yehuda HaNasi **did not say: Go out** and **tear loose** its windpipe and gullet?

וְכִי תֵּימָא, קָסָבַר: אֵין שְׁחִיטָה לָעוֹף מִן הַתּוֹרָה, וּנְחִירָתוֹ זוֹ הִיא שְׁחִיטָתוֹ; וְהָתַנְיָא, רַבִּי אוֹמֵר: ״כַּאֲשֶׁר צִוִּיתִךָ״ – מְלַמֵּד שֶׁנִּטְּטָה מֹשֶׁה עַל הַיֵּשֶׁט וְעַל הַקָּנֶה, וְעַל רוֹב אֶחָד בָּעוֹף וְעַל רוֹב שְׁנַיִם בַּבְּהֵמָה!

And if you would say the reason is because Rabbi Yehuda HaNasi **holds** that **slaughter of a bird is not** obligatory **by Torah law, and** consequently **the tearing loose** of **its** windpipe and gullet **is** considered **its slaughter** such that he would be required to cover the blood, this is untenable. As **isn't it taught** in a *baraita* that **Rabbi** Yehuda HaNasi **says:** The verse states: "And you shall slaughter… **as I have commanded you**" (Deuteronomy 12:21). This **teaches that Moses was** previously **commanded** concerning the mitzvot of slaughter, i.e., he was taught **about the gullet and the windpipe,** that the cutting of these *simanim* constitutes slaughter, **and about** the requirement to cut the **majority of one *siman* of a bird,**[H] **and about** the requirement to cut **the majority of two *simanim* of an animal.** If so, Rabbi Yehuda HaNasi holds that the slaughter of a bird is obligatory by Torah law.

HALAKHA

One who slaughters and needs the blood – הַשּׁוֹחֵט וְצָרִיךְ לְדָם: One who slaughters a bird or an undomesticated animal, even if his sole purpose in slaughtering it is to use the blood, is nevertheless obligated to cover the blood (*Shulḥan Arukh*, *Yoreh De'a* 28:18).

And about the majority of one siman of a bird – וְעַל רוֹב אֶחָד בָּעוֹף: A domesticated animal, an undomesticated animal, and a bird all require slaughter by Torah law. This is in accordance with the opinion of Rabbi Yehuda HaNasi, who maintains that the requirement to slaughter a bird is by Torah law (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 1:1; *Shulḥan Arukh*, *Yoreh De'a* 13:1).

Perek **VI**
Daf **86** Amud **a**

לָא מִיבָּעְיָא קָאָמַר, לָא מִיבָּעְיָא ״צֵא נְחוֹר״ – דְּלָאו שְׁחִיטָה הִיא כְּלָל, אֲבָל ״צֵא טְרוֹף״ – אֵימָא: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה, וְלִיבָּעֵי כִּסּוּי, קָא מַשְׁמַע לָן כִּדְרַבִּי חִיָּיא בַּר אַבָּא.

The Gemara responds: Rav Dimi **is speaking** utilizing the style of: **It is not necessary.** That is, **it is not necessary** to teach: **Go out** and **tear loose, since** it is obvious that **this is not** considered **slaughter at all** and one is not required to cover the blood. **But** with regard to the instruction: **Go out** and **render** the bird **a *tereifa*, I would say** that an act of **slaughter that is not fit** to render the meat permitted **is** nevertheless **considered** an act of **slaughter, and** the blood of this bird **should require covering.** Therefore, Rav Dimi **teaches us in accordance with** the statement **of Rabbi Ḥiyya bar Abba** (85a), that Rabbi Yehuda HaNasi holds with regard to the mitzva of covering the blood that an act of slaughter that is not fit to render the meat permitted is not considered an act of slaughter, and one is therefore not required to cover the blood of this bird.

וּלְמַאן דְּאָמַר: ״צֵא נְחוֹר״, מַאי טַעְמָא לָא אָמַר: ״צֵא טְרוֹף״? וְכִי תֵּימָא, קָסָבַר: שְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה שְׁמָהּ שְׁחִיטָה; וְהָא אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: רָאָה רַבִּי דְּבָרָיו שֶׁל רַבִּי שִׁמְעוֹן בְּכִסּוּי הַדָּם, וְשָׁנָאוּ בִּלְשׁוֹן חֲכָמִים!

The Gemara asks: **And according to the one who says** that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: **Go out** and **tear loose** the windpipe and gullet, **what is the reason** Rabbi Yehuda HaNasi **did not say: Go out** and **render** the bird **a *tereifa*? And if you would say** the reason is because Rabbi Yehuda HaNasi holds that an act of **slaughter that is not fit** to render the meat permitted **is** considered an act of **slaughter,** and one would be required to cover the blood, this is untenable. As **doesn't Rabbi Ḥiyya bar Abba say** that **Rabbi Yoḥanan says: Rabbi** Yehuda HaNasi **saw** as correct **the statement of Rabbi Shimon,** that an ineffective slaughter is not considered an act of slaughter **with regard to** the mitzva of **covering the blood, and taught it** in the mishna here **using the term: The Rabbis?**

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לָא מִיבָּעֵיָא קָאָמַר, לָא מִיבָּעֵיָא ״צֵא טְרוֹף״, דִּשְׁחִיטָה שֶׁאֵינָהּ רְאוּיָה לָא שְׁמָהּ שְׁחִיטָה, אֲבָל ״צֵא נְחוֹר״ – אֵימָא: אֵין שְׁחִיטָה לָעוֹף מִן הַתּוֹרָה, וּנְחִירָתוֹ זוֹ הִיא שְׁחִיטָתוֹ, וְלִיבָּעֵי כִּסּוּי, קָא מַשְׁמַע לָן: ״כַּאֲשֶׁר צִוִּיתִךָ״.

The Gemara responds: Ravin **is speaking** utilizing the style of: **It is not necessary.** That is, **it is not necessary** to teach: **Go out** and **render** the bird a ***tereifa*, since** an act of **slaughter that is not fit** to render the meat permitted **is not** considered **slaughter** and one would not be required to cover the blood of the bird. **But** with regard to the instruction: **Go out** and **tear loose** the windpipe and gullet, **I would say** that the **slaughter of a bird is not** obligatory **by Torah law** to render it permitted for consumption, **and** consequently, **the tearing loose** of **its** windpipe and gullet **is** considered **its slaughter and** the blood of this bird **should require covering.** Therefore, Ravin **teaches us** that Rabbi Yehuda HaNasi holds that the slaughter of a bird is obligatory by Torah law, as he himself derives from the verse: **"As I have commanded you"** (Deuteronomy 12:21).

וּמִי נָפַל לֵיהּ יָאנִיבָא בְּכִיתָנֵיהּ? וְהָאָמַר רָבִין בַּר אַבָּא, וְאָמְרִי לָהּ אָמַר רַבִּי אָבִין בַּר שְׁבָא: מִשֶּׁעָלוּ בְּנֵי הַגּוֹלָה פָּסְקוּ הַזִּיקִין וְהַזְּוָעוֹת וְהָרוּחוֹת וְהָרְעָמִים, וְלֹא הֶחֱמִיץ יֵינָם וְלֹא לָקָה פִּשְׁתָּנָם, וְנָתְנוּ חֲכָמִים עֵינֵיהֶם בְּרַבִּי חִיָּיא וּבָנָיו!

§ The Gemara questions the very occurrence of the incident involving Rabbi Ḥiyya: **And could moths have infested his flax? But doesn't Ravin bar Abba say, and some say Rabbi Avin bar Sheva says: From when the people of the Exile ascended**[N] from Babylonia to Eretz Yisrael **there ceased** to be **meteors, earthquakes,** storm **winds, and thunder; and their wine did not sour, and their flax was not stricken** with an infestation of moths; **and the Sages placed their eyes,** i.e., attributed these phenomena, **to** the merit of **Rabbi Ḥiyya and his sons,**[P] who ascended from Babylonia? If so, how was Rabbi Ḥiyya's flax affected?

כִּי מְהַנְּיָא זְכוּתַיְיהוּ – אַעָלְמָא, אַדִּידְהוּ – לָא. כִּדְרַב יְהוּדָה אָמַר רַב, דְּאָמַר רַב יְהוּדָה אָמַר רַב: בְּכָל יוֹם וָיוֹם בַּת קוֹל יוֹצֵאת וְאוֹמֶרֶת: כָּל הָעוֹלָם כּוּלּוֹ – נִיזּוֹן בִּשְׁבִיל חֲנִינָא בְּנִי, וַחֲנִינָא בְּנִי – דַּי לוֹ בְּקַב חָרוּבִין מֵעֶרֶב שַׁבָּת לְעֶרֶב שַׁבָּת.

The Gemara responds: **When their merit is effective,** it is effective **for the** rest of the **world but not for themselves.** And this is **in accordance with** the statement **that Rav Yehuda says** in the name of **Rav, as Rav Yehuda says** that **Rav says: Each and every day a Divine Voice emerges and says: The entire world is sustained in the merit of Ḥanina** ben Dosa,[P] **My son, and** yet for **Ḥanina, My son, a *kav* of carobs,** i.e., a very small amount of inferior food, **is sufficient** to sustain him **from** one **Shabbat eve to** the next **Shabbat eve.** Similarly, the merit of Rabbi Ḥiyya and his sons was effective for others but not for themselves.

מתני׳ חֵרֵשׁ שׁוֹטֶה וְקָטָן שֶׁשָּׁחֲטוּ וַאֲחֵרִים רוֹאִין אוֹתָם – חַיָּיב לְכַסּוֹת; בֵּינָן לְבֵין עַצְמָן – פָּטוּר מִלְּכַסּוֹת.

MISHNA In the case of **a deaf-mute, an imbecile, or a minor who slaughtered**[H] an undomesticated animal or a bird, **and others saw them** and ensured that the slaughter was properly performed, in which case the slaughter is valid (see 2a), one who oversaw the slaughter is **obligated to cover** the blood. If they slaughtered the animals **among themselves** without supervision, one is **exempt** from the obligation to cover the blood.

NOTES

From when the people of the Exile ascended – מִשֶּׁעָלוּ בְּנֵי הַגּוֹלָה: Generally, when the Sages refer to the Exile without specification they are referring to the Babylonian exile. As Rashi notes, the Gemara is not referring to the ancient ascension of Jews to Eretz Yisrael led by Ezra, but rather to a later wave of ascension to Eretz Yisrael in the lifetime of Rabbi Yehuda HaNasi. It was during this period that Rabbi Ḥiyya and his sons ascended to Eretz Yisrael. This incident involving Rabbi Ḥiyya's flax must have occurred once he was already in Eretz Yisrael, as he sought the advice of Rabbi Yehuda HaNasi, who was a resident of Eretz Yisrael.

HALAKHA

A deaf-mute, an imbecile, or a minor who slaughtered – חֵרֵשׁ שׁוֹטֶה וְקָטָן שֶׁשָּׁחֲטוּ: In the case of a deaf-mute, an imbecile, or a minor who slaughtered an undomesticated animal or a bird while unsupervised, there is no obligation to cover the blood. Parenthetically, the *Shakh* maintains that it is actually forbidden to cover the blood. This is because the majority of this population's actions are bungled, and the slaughter is therefore considered invalid. This is derived from the Gemara here (see *Pitḥei Teshuva*). If a competent adult observed their act of slaughter and confirmed it to be valid one is obligated to cover the blood; and if the slaughterer from this population happened to be an expert in slaughtering, one must cover the blood and recite the appropriate blessing as well (*Shakh*).

Similarly, if a deaf-mute, an imbecile, or a minor slaughtered an animal while unsupervised, it is permitted to slaughter that animal's offspring on the same day. But if a competent adult observed the act of slaughter and confirmed it to be valid, it is forbidden to slaughter the animal's offspring that day (*Tur*). The *halakha* is in accordance with the opinion of Rabbi Meir (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 12:4, 14:10; *Shulḥan Arukh*, *Yoreh De'a* 16:9, 28:17).

PERSONALITIES

Rabbi Ḥiyya and his sons – רַבִּי חִיָּיא וּבָנָיו: Rabbi Ḥiyya ben Abba, from the city of Kafri in Babylonia, was among the last *tanna'im*. He was descended from a family of distinguished lineage that traced its ancestry back to King David and produced many prominent Sages. While he was still in Babylonia, Rabbi Ḥiyya was considered a Torah luminary, among the prominent Torah scholars in his generation. When he came to Eretz Yisrael, along with his twin sons, Ḥizkiyya and Yehuda, he became a disciple, a colleague, and indeed the right-hand man of Rabbi Yehuda HaNasi. Although Rabbi Ḥiyya had a close relationship with Rabbi Yehuda HaNasi, he was especially close to Rabbi Shimon, son of Rabbi Yehuda HaNasi, who was also his business partner.

In addition to his prominence as a Torah scholar, Rabbi Ḥiyya was outstanding in his piety, as reflected in several episodes related throughout the Talmud. His most significant project was the redaction he did with his disciple-colleague, Rabbi Oshaya, of an anthology of external *baraitot* to complement the Mishna. Their anthology was considered to be the most authoritative, to the point that it was said that any *baraita* not reviewed by them was unfit to enter the study hall. Some believe he edited the *Tosefta*. Apparently, upon his arrival in Eretz Yisrael Rabbi Ḥiyya received financial support from the house of the *Nasi*, but his primary livelihood was from trade, mostly of silk.

In addition to his twin sons, Rabbi Ḥiyya also had twin daughters, Pazi and Tavi, who became the matriarchs of distinguished families of Torah scholars. His sons, Yehuda, son-in-law of Rabbi Yannai, and Ḥizkiyya, were among the leading Torah scholars in the transitional generation between *tanna'im* and *amora'im*, and they apparently replaced him at the head of his academy in Tiberias, where he resided. All of the students of Rabbi Yehuda HaNasi were his colleagues, and he was close with the *tanna* Rabbi Shimon ben Ḥalafta.

The younger students of Rabbi Yehuda HaNasi, including Rabbi Ḥanina, Rabbi Oshaya, Rabbi Yannai, and others, studied Torah under Rabbi Ḥiyya and were, to a certain degree, his students as well. His primary disciples were his brother's sons, Rabba bar Ḥana and, above all, the great *amora* Rav. He also appears as a central figure in the *Zohar*. Rabbi Ḥiyya was buried in Tiberias, and his two sons were later buried beside him.

Rabbi Ḥanina ben Dosa – רַבִּי חֲנִינָא בֶּן דּוֹסָא: A *tanna* from the end of the Second Temple period, Rabbi Ḥanina ben Dosa was a disciple of Rabbi Yoḥanan ben Zakkai. Even as a student he was renowned for his righteousness and as someone who often had miracles performed for him. Only a very small number of Rabbi Ḥanina's statements, mainly of *aggada*, have been preserved. He is primarily known for the many stories concerning his piety and closeness to God, his righteousness, and his ability to make do with little. Due to all of these qualities, Rabbi Ḥanina is portrayed in rabbinic literature as the symbol of a wholly righteous man.

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וְכֵן לְעִנְיַן אוֹתוֹ וְאֶת בְּנוֹ, שֶׁשְּׁחָטוֹ וַאֲחֵרִים רוֹאִין אוֹתָן – אָסוּר לִשְׁחוֹט אַחֲרֵיהֶם; בֵּינָן לְבֵין עַצְמָן – רַבִּי מֵאִיר מַתִּיר לִשְׁחוֹט אַחֲרֵיהֶן, וַחֲכָמִים אוֹסְרִים. וּמוֹדִים שֶׁאִם שָׁחַט – שֶׁאֵינוֹ סוֹפֵג אֶת הָאַרְבָּעִים.

And likewise with regard to the matter of slaughtering **a mother and its offspring** on the same day, if a deaf-mute, an imbecile, or a minor **slaughtered** an undomesticated mother animal **and others saw them,** it is **prohibited to slaughter** its offspring **after them.** If they slaughtered the mother animal **among themselves, Rabbi Meir deems** it **permitted to slaughter** its offspring **after them**[N] **and the Rabbis deem** it **prohibited. And** the Rabbis **concede that if one slaughtered** the offspring thereafter **that he does not incur the forty** lashes, as it is possible the mother was not properly slaughtered.

גמ׳ וְרַבָּנַן, מַאי שְׁנָא רֵישָׁא דְּלָא פְּלִיגִי, וּמַאי שְׁנָא סֵיפָא דְּפְלִיגִי?

GEMARA The Gemara asks: **And** as for **the Rabbis, what is different** about **the first clause** of the mishna that discusses the covering of the blood, **where they do not disagree** with the statement that if a deaf-mute, an imbecile, or a minor slaughtered an animal without supervision one is exempt from the obligation to cover the blood, which indicates the Rabbis hold that such an act of slaughter is not considered an act of slaughter; **and what is different** about **the latter clause** of the mishna that discusses the prohibition against slaughtering a mother and its offspring on the same day, **where they disagree** with Rabbi Meir and hold that if a deaf-mute, an imbecile, or a minor slaughtered a mother animal without supervision one is prohibited to subsequently slaughter its offspring, indicating they hold that such an act of slaughter is in fact considered an act of slaughter?

רֵישָׁא, אִי אָמְרִינַן חַיָּיבִין לְכַסּוֹת – אָמְרִי: שְׁחִיטָה מְעַלַּיְיתָא הִיא, וְאָתֵי לְמֵיכַל מִשְׁחִיטָתָן.

The Gemara responds: Actually, it is uncertain whether this slaughter is valid or not. With regard to **the first clause, if we say one is obligated to cover** the blood from an unsupervised slaughter, people might **say** this is because **the slaughter** performed by these people **is proper, and they will come to eat** meat **from their slaughter,** and it is in fact forbidden to eat from their slaughter. Therefore, the Rabbis did not require the covering of the blood.

סֵיפָא נַמִי, כֵּיוָן דְּקָאָמְרִי רַבָּנַן: אָסוּר לִשְׁחוֹט אַחֲרֵיהֶם – אָמְרִי: שְׁחִיטָה מְעַלַּיְיתָא הִיא, וְאָתֵי לְמֵיכַל מִשְׁחִיטָתָן!

The Gemara challenges: If so, then with regard to **the latter clause** of the mishna **as well, since the Rabbis say** it is **prohibited to slaughter** the offspring of the mother **after them,** people might **say** this is because **the slaughter** performed by these people **is proper, and they will come to eat** meat **from their slaughter.**

סֵיפָא אָמְרִי: בִּשְׂרָא דְּלָא קָא מִיבָּעֲיָא לֵיהּ. רֵישָׁא נַמִי, אָמְרִי: לְנַקֵּר חֲצֵירוֹ הוּא צָרִיךְ!

The Gemara rejects this: With regard to **the latter clause,** prohibiting the slaughter of the offspring will not cause people to conclude the unsupervised slaughter of the mother by disqualified people was valid. Rather, **they will say:** The reason the offspring is not slaughtered is **because** the owner **does not need the meat.** The Gemara asks: But with regard to **the first clause as well,** covering the blood will not lead one to conclude that the unsupervised slaughter was valid, as people **will say:** He is covering the blood **because he needs to clean his courtyard** of the blood. If so, let the Rabbis deem one obligated to cover the blood.

NOTES

If they slaughtered the mother among themselves Rabbi Meir deems it permitted to slaughter its offspring after them – בֵּינָן לְבֵין עַצְמָן רַבִּי מֵאִיר מַתִּיר לִשְׁחוֹט אַחֲרֵיהֶן: This is because their slaughter is not considered a valid slaughter. It should be noted that although Rabbi Meir is of the opinion that an act of slaughter that is not fit for rendering the animal permitted for consumption is nevertheless considered a valid slaughter, both with regard to the mitzva to cover the blood and with regard to the *halakha* of a mother and its offspring (see 85a); with regard to the slaughter of a deaf-mute, an imbecile, or a minor he maintains that it is completely invalid, and it renders the animal a non-kosher animal carcass. This applies to both the *halakha* of a mother and its offspring and that of covering the blood; in both cases Rabbi Meir holds that the unsupervised slaughter performed by a deaf-mute, an imbecile, or a minor is not valid.

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NOTES

Append the minority to the presumptive status – סְמוֹךְ מִיעוּטָא לַחֲזָקָה: As explained on 9a, an animal maintains a presumptive forbidden status until its method of slaughter is verified. According to Rashi, this presumptive status stems from the prohibition against consuming a limb severed from a living animal, which was in effect before the animal was slaughtered. *Tosafot* in tractate *Beitza* (25a) reject Rashi's explanation, since the prohibition against consuming such a limb is obviously not in effect once the animal is dead. Instead, they explain that the presumptive forbidden status stems from the prohibition against eating an unslaughtered animal, which is in effect both during the animal's lifetime and after it is killed, unless it was slaughtered properly.

שָׁחַט בָּאַשְׁפָּה, מַאי אִיכָּא לְמֵימַר? בָּא לִיפָּלֵךְ, מַאי אִיכָּא לְמֵימַר?

The Gemara rejects this: But if a disqualified person **slaughtered** the animal **in a garbage dump, what can be said** to allow the covering of the blood? Obviously, people will not assume one covers the blood in order to clean a garbage dump. Similarly, if one **comes to consult** the court, **what can be said?** That is, if one sees from a distance that a disqualified person slaughtered an animal and the blood is uncovered, and he comes to consult the court with regard to the obligation to cover the blood, if the court tells him to cover the blood he might conclude that this is because the unsupervised slaughter was valid. Accordingly, since there are scenarios in which one might mistakenly conclude that the unsupervised slaughter of inept people is valid, the Rabbis concede that one is exempt from covering the blood of such an act of slaughter in all cases.

וְלִיטַעְמִיךְ, סֵיפָא נַמִּי, בָּא לִיפָּלֵךְ מַאי אִיכָּא לְמֵימַר?

The Gemara asks: **But according to your reasoning** that the Rabbis are concerned for the aforementioned scenarios, then with regard to **the latter clause as well,** if one **comes to consult** the court with regard to the slaughter of the offspring, **what can be said?** That is, if one sees a disqualified person slaughter the mother, and he comes to ask the court whether he may slaughter the offspring on the same day, if the court prohibits him from slaughtering it he might conclude that this is because the slaughter of the mother was valid. Why, then, do the Rabbis prohibit one from slaughtering the offspring?

אֶלָּא: רַבָּנַן אַכּוּלָּהּ מִילְּתָא פְּלִיגִי, וְנָטְרִי לֵיהּ לְרַבִּי מֵאִיר עַד דְּמַסֵּיק לָהּ לְמִילְּתָא, וְהַדַּר פְּלִיגִי עִילָּוֵיהּ.

The Gemara concludes: **Rather,** it must be that **the Rabbis disagree concerning the entire matter,** i.e., they disagree with regard to covering the blood as well, and hold that if a disqualified person slaughtered an animal while unsupervised, one must cover the blood; **and** the Rabbis **waited for Rabbi Meir until he concluded his statement, and then they disagreed with him** on both accounts.

בְּשֶׁלָּמָא רַבָּנַן – לְחוּמְרָא; אֶלָּא רַבִּי מֵאִיר, מַאי טַעְמָא?

The Gemara asks: If so, **granted,** the opinion of the **Rabbis** is understandable, as they consistently rule **stringently.** That is, although it is prohibited to consume the meat of an unsupervised slaughter performed by a deaf-mute, an imbecile, or a minor, the Rabbis require one to cover the blood and prohibit one to slaughter the offspring, due to concern that the person may have performed a valid slaughter. **But** with regard to the opinion of **Rabbi Meir** that one is exempt from covering the blood and that one may slaughter the offspring on the same day, **what is the reason** he does not rule stringently due to uncertainty?

אָמַר רַבִּי יַעֲקֹב אָמַר רַבִּי יוֹחָנָן: מְחַיֵּיב הָיָה רַבִּי מֵאִיר עַל שְׁחִיטָתָן מִשּׁוּם נְבֵלָה. מַאי טַעְמָא? אָמַר רַבִּי אַמִּי: הוֹאִיל וְרוֹב מַעֲשֵׂיהֶן מְקוּלְקָלִים.

Rabbi Ya'akov says that **Rabbi Yoḥanan says: Rabbi Meir would deem** one **liable** to receive lashes **for** eating from **the slaughter of** a deaf-mute, an imbecile, or a minor, **due to** violation of the prohibition against eating from **an animal carcass.** According to Rabbi Meir there is no uncertainty with regard to such slaughter, and it is not considered an act of slaughter at all. Consequently, one may become liable to receive lashes for its consumption. The Gemara asks: **What is the reason? Rabbi Ami says: Since the majority of actions** of a deaf-mute, imbecile, and a minor **are bungled,** i.e., they are performed incompetently, it can be assumed that their slaughter was performed improperly as well.

אֲמַר לֵיהּ רַב פַּפָּא לְרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ, וְאָמְרִי לָהּ רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ לְרַב פַּפָּא: מַאי אִירְיָא רוֹב? אֲפִילּוּ מִיעוּט נַמִּי! דְּהָא רַבִּי מֵאִיר חָיֵישׁ לְמִיעוּטָא; סְמוֹךְ מִיעוּטָא לַחֲזָקָה, וְאִתְרַע לֵיהּ רוּבָּא!

Rav Pappa said to Rav Huna, son of Rav Yehoshua, and some say that **Rav Huna, son of Rav Yehoshua,** said **to Rav Pappa: Why** did Rabbi Ami **specifically** state that the reasoning of Rabbi Meir is based on the assumption that the **majority** of their actions are bungled? **Even** if only **a minority** of their actions are bungled and the majority are performed competently, Rabbi Meir would **also** maintain that the animal is considered a carcass, **as Rabbi Meir is concerned for a minority** when it can be combined with a presumptive status. If so, **append the minority to the presumptive status**[N] of an animal prior to its slaughter, i.e., that it is prohibited for consumption, **and the majority** of competent acts of slaughter **is** thereby **weakened.**

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דְּתָנַן: תִּינוֹק שֶׁנִּמְצָא בְּצַד הָעִיסָּה וּבָצֵק בְּיָדוֹ – רַבִּי מֵאִיר מְטַהֵר, וַחֲכָמִים מְטַמְּאִין, מִפְּנֵי שֶׁדַּרְכּוֹ שֶׁל תִּינוֹק לְטַפֵּחַ; וְאָמְרִינַן: מַאי טַעְמָא דְּרַבִּי מֵאִיר – קָסָבַר: רוֹב תִּינוֹקוֹת מְטַפְּחִין, וּמִיעוּט אֵין מְטַפְּחִין, וְעִיסָּה זוֹ בְּחֶזְקַת טָהֳרָה עוֹמֶדֶת,

The Gemara proves that Rabbi Meir is concerned for the minority: **As we learned** in a mishna (*Teharot* 3:8): In the case of a ritually impure **child who is found alongside** ritually pure **started dough,**[H] **and** he has **risen dough in his hand** that may have been removed from the larger portion of started dough, **Rabbi Meir deems** the started dough **pure.** This is because there is no proof the child touched it; he might have been given the piece by someone else. **And the Rabbis deem it impure,** as they assume he touched the started dough. The child is presumed to be impure **because it is the manner of a child to handle** items.[N] **And we say** with regard to this mishna: **What is the reasoning of Rabbi Meir? He holds** that **a majority of children handle** items, in this case the dough, that are within reach, **and a minority do not handle** items within reach, **and** the **dough** itself **retains a presumptive status of purity** since its impurity has not been definitively determined.

HALAKHA

A child who is found alongside started dough – תִּינוֹק שֶׁנִּמְצָא בְּצַד הָעִיסָּה: In a case of uncertain impurity pertaining to an item that cannot be questioned in order to determine the actual status, it is assumed to be ritually pure. But if the item had a presumptive status of impurity it is considered impure. For example, in a case where a child is found alongside dough and is holding dough in his hand, the dough is considered ritually impure because it is the manner of young children to touch items, and he has likely touched an impure item, rendering the dough ritually impure as well. Regardless, *teruma* is not burned on account of this presumptive status (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 16:2, 3).

NOTES

And the Rabbis deem it impure because it is the manner of a child to handle items – וַחֲכָמִים מְטַמְּאִין מִפְּנֵי שֶׁדַּרְכּוֹ שֶׁל תִּינוֹק לְטַפֵּחַ: According to Rashi it is certain that the child touched the dough, as he is holding some in his hand, and since it is common for children to touch items found among garbage heaps, in which there are ritually impure items, the Rabbis, concerned for the majority of cases, ruled stringently and pronounced the dough ritually impure (see *Kiddushin* 80a). Rabbi Meir deems the dough ritually pure, as there is a minority of young children who do not generally touch items and are therefore ritually pure, in addition to the presumptive ritually pure status of the dough. According to Rabbi Meir, these two factors combine to override the majority.

Other early commentaries find Rashi's interpretation difficult. Instead, they concur with the explanation of Rabbeinu Tam, who maintains that young children have a presumptive status of being ritually impure. They are concerned that it is likely the child touched the batch of dough, rendering it ritually impure. The Rabbis maintain that the majority of young children commonly touch the dough, thereby rendering the entire batch of dough ritually impure. Rabbi Meir relies on the minority of children who do not touch the dough and therefore deems the batch of dough ritually pure, as it is possible the piece of dough was given to the child by a ritually pure adult.

Perek **VI**
Daf **86** Amud **b**

סְמוֹךְ מִיעוּטָא לַחֲזָקָה, וְאִיתְרַע לֵיהּ רוּבָּא!

One **appends** the **minority** of children who do not handle items within reach **to the presumptive status** of purity of the dough, **and** consequently the force of the **majority** of children who handle items within reach **is weakened.** Therefore, the dough is considered pure. Similarly, with regard to slaughter performed by inept people, why does Rabbi Ami state that the reason behind Rabbi Meir's opinion is due to a majority? Let even a minority of bungled acts of slaughter join with the presumptive prohibited status of the animal to render this animal a carcass.

אִם אָמְרוּ סְפֵק טוּמְאָה לְטַהֵר, יֹאמְרוּ סְפֵק אִיסּוּר לְהַתִּיר?

The Gemara responds that the two cases are not comparable: **If they said** one may append the minority to the presumptive status with regard to a case of **uncertain ritual impurity** in order **to render** the dough **pure, will they say** that one may rely on a minority in the case of **an uncertain prohibition** in order **to permit** it? In other words, without the fact that a majority of the acts of slaughter of a deaf-mute, an imbecile, or a minor are bungled, Rabbi Meir could neither deem one exempt from covering the blood nor allow one to slaughter the offspring immediately. Consequently, it is due only to the majority that Rabbi Meir deems one liable for violation of the prohibition against consuming an animal carcass when consuming meat from their slaughter.

הוֹרָה רַבִּי כְּרַבִּי מֵאִיר, וְהוֹרָה רַבִּי כַּחֲכָמִים. הֵי מִינַּייהוּ דְּאַחֲרִיתָא?

§ With regard to the dispute in the mishna, the Gemara notes: **Rabbi** Yehuda HaNasi **ruled in accordance with** the opinion of **Rabbi Meir,** who held that if a deaf-mute, an imbecile, or a minor slaughtered a mother animal, one may subsequently slaughter its offspring; **and Rabbi** Yehuda HaNasi also **ruled in accordance with** the opinion of **the Rabbis,** who held that it is prohibited to slaughter it. The Gemara asks: **Which of** these two rulings **is the later,** definitive ruling, and which ruling is the retracted one?

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תָּא שְׁמַע: דְּרַבִּי אַבָּא בְּרֵיהּ דְּרַבִּי חִיָּיא בַּר אַבָּא וְרַבִּי זֵירָא הֲווּ קָיְימִי בְּשׁוּקָא דְּקֵיסָרִי אַפִּתְחָא דְּבֵי מִדְרְשָׁא. נְפַק רַבִּי אַמִּי אַשְׁכַּחִינְהוּ, אֲמַר לְהוּ: לָאו אָמִינָא לְכוּ, בְּעִידָּן בֵּי מִדְרְשָׁא לָא תְּקִימוּ אַבָּרַאי, דִּילְמָא אִיכָּא אֵינָשׁ דְּמִיצְטָרְכָא לֵיהּ שְׁמַעֲתָא, וְאָתֵי לְאִיטְרוּדֵי?

The Gemara suggests: **Come** and **hear** a proof from an incident: **Rabbi Abba, son of Rabbi Ḥiyya bar Abba, and Rabbi Zeira were standing in the marketplace of Caesarea, at the entrance to the study hall. Rabbi Ami exited** the study hall **and found** the two of **them** standing there. Rabbi Ami **said to them: Have I not told you** that **at the time** when the **study hall** is in session **you should not stand outside,** as **perhaps there is a person** inside the study hall **who requires** clarification of a ***halakha*, and he will become bothered** by it because you will not be inside to assist in offering the proper explanation?

רַבִּי זֵירָא עַל, רַבִּי אַבָּא לָא עַל. יָתְבִי וְקָא מְיַבָּעֲיָא לְהוּ: הֵי מִינַּיְיהוּ אַחֲרִיתָא? אֲמַר לְהוּ רַבִּי זֵירָא: לָא שְׁבַקְתּוּן לִי דֶּאֱשְׁתֵּילֵיהּ לְסָבָא, דִּילְמָא שְׁמִיעַ לֵיהּ מֵאַבּוּהּ, וַאֲבוּהּ מִינַּיְיהּ דְּרַבִּי יוֹחָנָן, דְּרַבִּי חִיָּיא בַּר אַבָּא כָּל תְּלָתִין יוֹמִין קָא מְהַדַּר תַּלְמוּדֵיהּ קַמֵּיהּ דְּרַבִּי יוֹחָנָן.

Rabbi Zeira entered the study hall, whereas **Rabbi Abba did not enter.** The students **were sitting and raising a dilemma: Which of** Rabbi Yehuda HaNasi's two rulings **is the later** one? **Rabbi Zeira said to them: You did not let me** know that this is your dilemma while I was outside, which would have allowed **me** to **ask the elder one,** i.e., Rabbi Abba, son of Rabbi Ḥiyya bar Abba, since **perhaps he heard** the answer **from his father,** Rabbi Ḥiyya bar Abba. **And** perhaps **his father** heard it **from Rabbi Yoḥanan, as Rabbi Ḥiyya bar Abba would review his studies in front of Rabbi Yoḥanan every thirty days.**

מַאי הֲוֵי עֲלָהּ? תָּא שְׁמַע, דִּשְׁלַח רַבִּי אֶלְעָזָר לַגּוֹלָה: הוֹרָה רַבִּי כְּרַבִּי מֵאִיר; וְהָא כְּרַבָּנַן נַמִּי אוֹרִי? אֶלָּא לָאו שְׁמַע מִינָּהּ: הָא דְּאַחֲרִיתָא, שְׁמַע מִינָּהּ.

The Gemara asks: **What** conclusion **was** reached **about it?** The Gemara suggests: **Come** and **hear** a proof: **Rabbi Elazar sent** a message **to the** Jews in **exile,** i.e., Babylonia: **Rabbi** Yehuda HaNasi **ruled in accordance with** the opinion of **Rabbi Meir.** The Gemara challenges: **But** Rabbi Yehuda HaNasi **also ruled in accordance with** the opinion of **the Rabbis.** Why did Rabbi Elazar disregard that ruling? The Gemara concludes: **Rather, isn't it** correct to **conclude from** Rabbi Elazar's message that **this** ruling of Rabbi Yehuda HaNasi, which is in accordance with Rabbi Meir, **is the later one?** The Gemara affirms: One may in fact **conclude from** here that this is so.

מתני׳ שָׁחַט מֵאָה חַיּוֹת בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן, מֵאָה עוֹפוֹת בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן. חַיָּה וְעוֹף בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן. רַבִּי יְהוּדָה אוֹמֵר: שָׁחַט חַיָּה – יְכַסֶּנָּה, וְאַחַר כָּךְ יִשְׁחוֹט אֶת הָעוֹף.

MISHNA If one **slaughtered one hundred undomesticated animals in one place,**[H] **one covering** of the blood suffices **for all** the animals and there is no obligation to cover the blood of each animal separately. Likewise, if one slaughtered **one hundred birds in one place, one covering** of the blood suffices **for all** the birds. If one slaughtered **an undomesticated animal and a bird in one place, one covering for all of** the blood is sufficient. **Rabbi Yehuda says:** If one **slaughtered an undomesticated animal, he should cover its** blood immediately **and** only **thereafter he should slaughter the bird.**

גמ׳ תָּנוּ רַבָּנַן: ״חַיָּה״ – כֹּל מַשְׁמַע חַיָּה, בֵּין מְרוּבָּה וּבֵין מוּעָטֶת; ״עוֹף״ – כֹּל מַשְׁמַע עוֹף, בֵּין מְרוּבֶּה וּבֵין מוּעָט; מִכָּאן אָמְרוּ: שָׁחַט מֵאָה חַיּוֹת בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן, מֵאָה עוֹפוֹת בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן, חַיָּה וְעוֹף בְּמָקוֹם אֶחָד – כִּסּוּי אֶחָד לְכוּלָּן.

GEMARA **The Sages taught** in a *baraita*: The verse states with regard to the mitzva of covering the blood: "An undomesticated animal or bird" (Leviticus 17:13). **"Undomesticated animal"** is inclusive, i.e., **any** number of animals is **included** in the term **undomesticated animal, whether many or few.** Likewise, **"bird"** is inclusive, i.e., **any** amount is **included** in the term **bird, whether many or few. From here** the Rabbis **stated:** If one **slaughtered one hundred undomesticated animals in one place, one covering** of the blood suffices **for all** the animals. Likewise, if one slaughtered **one hundred birds in one place, one covering** of the blood suffices **for all** the birds. If one slaughtered **an undomesticated animal and a bird in one place, one covering for all of** the blood is sufficient.

רַבִּי יְהוּדָה אוֹמֵר: שָׁחַט חַיָּה – יְכַסֶּנָּה, וְאַחַר כָּךְ יִשְׁחוֹט אֶת הָעוֹף, שֶׁנֶּאֱמַר: ״חַיָּה אוֹ עוֹף״.

The *baraita* continues: **Rabbi Yehuda says:** If one **slaughtered an undomesticated animal, he should cover its** blood immediately **and** only **thereafter he should slaughter the bird, as it is stated: "An undomesticated animal or bird"** (Leviticus 17:13). The term "or" indicates that each type must be attended to separately.

HALAKHA

If one slaughtered one hundred undomesticated animals in one place – שָׁחַט מֵאָה חַיּוֹת בְּמָקוֹם אֶחָד: If one slaughtered one hundred undomesticated animals and birds together in one place, it is sufficient to cover their blood at one time (Rambam *Sefer Kedusha, Hilkhot Sheḥita* 14:5).

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אָמְרוּ לוֹ: הֲרֵי הוּא אוֹמֵר ״כִּי נֶפֶשׁ כָּל בָּשָׂר דָּמוֹ בְנַפְשׁוֹ הוּא״! מַאי קָא מְהַדְּרִי לֵיהּ? הָכִי קָאָמְרִי לֵיהּ רַבָּנַן: הַאי ״אוֹ״ – מִיבָּעֵי לֵיהּ לְחַלֵּק.

The Rabbis **said to** Rabbi Yehuda: **But** the next verse **states: "For as to the life of all flesh, the blood thereof is all one with the life thereof."** The Gemara asks: **What are** the Rabbis **responding to** Rabbi Yehuda with this statement? The Gemara explains: **This is what the Rabbis are saying to him: This** term **"or"** that interposes between an undomesticated animal and a bird **is needed to separate** them, in order to indicate that the obligation to cover the blood applies after slaughtering either an undomesticated animal or a bird. If not for the term "or" one might have thought the obligation to cover the blood takes effect only after slaughtering both an undomesticated animal and a bird. Accordingly, one cannot derive from this term that the blood of an undomesticated animal and a bird must be covered separately.

וְרַבִּי יְהוּדָה, לְחַלֵּק – מ״דָּמוֹ״ נָפְקָא. וְרַבָּנַן, ״דָּמוֹ״ – טוּבָא מַשְׁמַע, דִּכְתִיב: ״כִּי נֶפֶשׁ כָּל בָּשָׂר דָּמוֹ בְנַפְשׁוֹ הוּא״.

And Rabbi Yehuda responds to this: The source **for separating** the obligations with regard to an undomesticated animal and a bird **is derived from** the verse: "And he shall pour out **its blood"** (Leviticus 17:13). The verse makes reference to the blood of only one animal, indicating that the obligation applies after slaughtering either a bird or an undomesticated animal. **And the Rabbis** respond that **"its blood"** also **indicates many,** as the term: Blood, can refer to any amount of blood. This is demonstrated by that **which is written: "For as to the life of all flesh, the blood thereof is all one with the life thereof"** (Leviticus 17:14).

אָמַר רַבִּי חֲנִינָא: מוֹדֶה הָיָה רַבִּי יְהוּדָה לְעִנְיַן בְּרָכָה, שֶׁאֵינוֹ מְבָרֵךְ אֶלָּא בְּרָכָה אַחַת. אֲמַר לֵיהּ רָבִינָא לְרַב אַחָא בְּרֵיהּ דְּרָבָא, וְאָמְרִי לָהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: מַאי שְׁנָא מִתַּלְמִידֵי דְּרַב?

§ **Rabbi Ḥanina says:** Although Rabbi Yehuda holds that one first covers the blood of an undomesticated animal before slaughtering the bird, **Rabbi Yehuda would concede with regard to the matter of** the **blessing** over their slaughter, i.e., **that one recites only one blessing.**[NH] The Gemara questions this assertion: **Ravina said to Rav Aḥa, son of Rava, and some say** that **Rav Aḥa, son of Rava,** said **to Rav Ashi:** In **what** way **is** this case **different from** the incident that occurred with **the students of Rav?**

דְּרַב בְּרוּנָא וְרַב חֲנַנְאֵל תַּלְמִידֵי דְּרַב הֲווּ יָתְבִי בְּסְעוּדְתָא, קָאֵי עֲלַיְיהוּ רַב יְבָא סָבָא. אֲמַרוּ לֵיהּ: הַב לִיבְרִיךְ! הַדּוּר אֲמַרוּ לֵיהּ: הַב לִישְׁתֵּי! אֲמַר לְהוּ רַב יְבָא סָבָא, הָכִי אֲמַר רַב: כֵּיוָן דַּאֲמַר ״הַב לִיבְרִיךְ״ – אֵיתְסַר לֵיהּ לְמִשְׁתֵּי חַמְרָא; הָכָא נַמִי, כֵּיוָן דְּאִיטַּפַּל לֵיהּ לְכִסּוּי – אִיחַיַּיב לֵיהּ לְבָרְכָה!

As it occurred that **Rav Beruna and Rav Ḥananel, the students of Rav, were sitting** together **at a meal,** and **Rav Yeiva the Elder stood over them** to serve them. **They said to him: Give** us a cup of wine over which **to recite the blessings** of Grace after Meals. **They then** changed their mind and **said to him: Give** us a cup of wine **to drink. Rav Yeiva the Elder said to them** that **this** is what **Rav said: Once** someone at a meal **says: Give** me a cup[H] over which **to recite the blessings** of Grace after Meals, it is **prohibited for him to drink** any more **wine,** since he has expressed his desire to conclude his meal. If he now wishes to drink more wine, he must recite a blessing before drinking it. Ravina asks: **Here too, since he is required to cover** the blood of the undomesticated animal before slaughtering the bird, there is an interruption between the acts of slaughter, and **he has** therefore **become obligated to** recite a new **blessing** before slaughtering the bird.

NOTES

Rabbi Yehuda would concede…that one recites only one blessing – מוֹדֶה הָיָה רַבִּי יְהוּדָה...שֶׁאֵינוֹ מְבָרֵךְ אֶלָּא בְּרָכָה אַחַת: Rashi explains that once the blood of the undomesticated animal is covered, it is not necessary for the one performing the slaughter to recite another blessing over the slaughter of the bird. This indicates that the blessing over the covering of the blood must be recited a second time prior to covering the bird's blood. The rationale is that since the covering of the blood is viewed either as a qualification for the slaughter's validity or as the completion of the extended act of slaughter, the act of covering is not seen as an interruption between the first and second acts of slaughter. By contrast, the second act of slaughter is seen as an interruption between the first covering of blood and the second, and therefore a second blessing is required over the covering of blood (Rashba).

According to Rabbeinu Tam, only one blessing needs to be recited for both acts of covering the blood. As the Gemara explains on the following *amud*, it is theoretically possible for one to slaughter the bird while simultaneously covering the blood of the undomesticated animal, and since no intrinsic interruption would be made between the two acts, one blessing therefore suffices (Ramban; see Ritva).

HALAKHA

Rabbi Yehuda would concede…that one recites only one blessing – מוֹדֶה הָיָה רַבִּי יְהוּדָה...שֶׁאֵינוֹ מְבָרֵךְ אֶלָּא בְּרָכָה אַחַת: If one slaughters domesticated animals, undomesticated animals, and birds, only one blessing is recited over all the acts of slaughter (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:5; *Shulḥan Arukh*, *Yoreh De'a* 19:2).

Once someone says give me a cup, etc. – כֵּיוָן דַּאֲמַר הַב וכו': One who finished his meal and washed his hands with the last waters, i.e., the water used for washing one's hands at the conclusion of the meal before reciting the Grace after Meals, is not permitted to eat or drink until after reciting the Grace after Meals, although the later commentaries make allowances under certain circumstances (*Mishna Berura*). If he merely verbalized his wish to conclude the meal it is considered as if he diverted his attention from continuing to drink, and therefore he may continue drinking only if he recites a new blessing. This is in accordance with the opinion of Rav Yeiva the Elder, as explained by Rashi. The Rosh maintains that eating has the same status as drinking. Rabbeinu Yona holds that eating does not have the same status as drinking. He maintains that so long as one has not yet washed his hands with the last waters, even if the table was completely cleared it is permitted to continue eating. It is preferable to act in accordance with the opinion of the Rosh (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 4:8; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 179:1 and Mishna Berura there).

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NOTES

So that mitzvot will not be contemptible him – שֶׁלֹּא יִהְיוּ מִצְוֹת בְּזוּיוֹת עָלָיו: Alternatively, this is so that mitzvot not be performed in a casual manner (*Tosefta* 6:1).

And Rabban Gamliel deemed him obligated to give ten gold coins – וְחִייְבוֹ רַבָּן גַּמְלִיאֵל לִיתֵּן לוֹ עֲשָׂרָה זְהוּבִים: Clearly, this was not meant as payment of the value of the mitzva itself but as a fine for the pain incurred by the one who lost the opportunity to perform the mitzva (*Ḥatam Sofer*). The early commentaries discuss the nature of this obligation. The Rambam and the *Shulḥan Arukh* view this as a fixed sum incumbent upon anyone who prevents another from performing a mitzva. Others hold that the sum of the fine is determined based on the judges' assessment of the particular case. For instance, if the individual deprived of the mitzva is particularly fastidious in his mitzva performance the fine is likely to be increased, while in an opposite case the fine is likely to be decreased (*Sma*).

The early commentaries write that this penalty does not apply nowadays, as the Jewish courts do not adjudicate cases where there was no monetary loss (*Tosafot*; see *Bava Kamma* 84b).

הָכִי הָשְׁתָּא? הָתָם – מִשְׁתָּא וּבְרוּכֵי בַּהֲדֵי הַדַּדֵי לָא אֶפְשָׁר, הָכָא – אֶפְשָׁר דְּשָׁחֵיט בַּחֲדָא, וּמְכַסֵּי בַּחֲדָא.

The Gemara rejects this: **How can** these cases **be compared? There,** in the incident involving the students of Rav, it is **impossible to drink and recite a blessing simultaneously.** Accordingly, by requesting a cup over which to recite the blessing of Grace after Meals, they demonstrated their desire to cease drinking. **Here,** when one covers the blood of the undomesticated animal before slaughtering the bird, it is **possible to slaughter** the bird **with the one** hand **and cover** the blood of the undomesticated animal **with the** other **one.** Accordingly, the act of covering the blood of the undomesticated animal is not considered an interruption of the acts of slaughter, since they could have been performed simultaneously.

מתני׳ שָׁחַט וְלֹא כִּסָּה, וְרָאָהוּ אַחֵר – חַיָּיב לְכַסּוֹת. כִּסָּהוּ וְנִתְגַּלָּה – פָּטוּר מִלְּכַסּוֹת. כִּסָּהוּ הָרוּחַ – חַיָּיב לְכַסּוֹת.

MISHNA If one **slaughtered** an undomesticated animal or bird **and did not cover** the blood, **and another** person **saw** the uncovered blood,[H] the second person is **obligated to cover** the blood. If one **covered** the blood **and it was** then **uncovered,** he is **exempt from covering it** again. If **the wind** blew earth on the blood and **covered it,** and it was consequently uncovered, he is **obligated to cover** the blood.

גמ׳ תָּנוּ רַבָּנַן: ״וְשָׁפַךְ...וְכִסָּה״ – מִי שֶׁשָּׁפַךְ יְכַסֶּה. שָׁחַט וְלֹא כִּסָּה, וְרָאָהוּ אַחֵר, מִנַּיִן שֶׁחַייָב לְכַסּוֹת? שֶׁנֶּאֱמַר: ״וְאָמַר לִבְנֵי יִשְׂרָאֵל״ – אַזְהָרָה לְכָל בְּנֵי יִשְׂרָאֵל.

GEMARA **The Sages taught** in a *baraita*: The verse states: "**And he shall pour out** its blood **and cover** it with earth" (Leviticus 17:13), indicating that **the one who poured out** its blood, i.e., slaughtered the animal, **shall cover it.** If one **slaughtered** the animal or bird **and did not cover** the blood, **and another person saw** the uncovered blood, **from where** is it derived **that** the person who saw the blood **is obligated to cover** it? It is derived from the following verse, **as it is stated:** "**Therefore I said to the children of Israel**" (Leviticus 17:12), which is **a warning to all the children of Israel** to fulfill the mitzva of covering the blood.

תַּנְיָא אִידָךְ: ״וְשָׁפַךְ...וְכִסָּה״ – בְּמַה שֶׁשָּׁפַךְ – בּוֹ יְכַסֶּה, שֶׁלֹּא יְכַסֶּנּוּ בָּרֶגֶל, שֶׁלֹּא יִהְיוּ מִצְוֹת בְּזוּיוֹת עָלָיו. תַּנְיָא אִידָךְ: ״וְשָׁפַךְ...וְכִסָּה״ – מִי שֶׁשָּׁפַךְ הוּא יְכַסֶּנּוּ. מַעֲשֶׂה בְּאֶחָד שֶׁשָּׁחַט, וְקָדַם חֲבֵירוֹ וְכִסָּה, וְחִייְבוֹ רַבָּן גַּמְלִיאֵל לִיתֵּן לוֹ עֲשָׂרָה זְהוּבִים.

It is taught in **another** *baraita*: The verse states: "**And he shall pour out** its blood **and cover** it with earth," indicating that **with that which he poured out** the blood **he shall cover it,** i.e., he must use his hand, and **he** may **not cover it with** his **foot,**[H] **so that mitzvot will not be contemptible to him.**[N] **It is taught** in **another** *baraita*: The verse states: "**And he shall pour out** its blood **and cover** it with earth," indicating that **the one who poured out** the blood **shall cover it. An incident** occurred **involving one who slaughtered** an undomesticated animal or bird **and another** individual **preempted** him **and covered** the blood, **and Rabban Gamliel deemed him obligated to give ten gold coins**[NH] **to** the one who performed the act of slaughter.

HALAKHA

If one slaughtered and did not cover the blood and another person saw the uncovered blood – שָׁחַט וְלֹא כִּסָּה וְרָאָהוּ אַחֵר: In a case where one slaughtered an undomesticated animal or a bird and did not cover its blood, if another individual saw the exposed blood he is obligated to cover it. In a case where one covered the blood and it became exposed again, he is exempt from the obligation to cover it again. In a case where the wind blew earth and covered the blood and the blood then became exposed, the obligation to cover the blood remains (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:7, 15; *Shulḥan Arukh*, *Yoreh De'a* 28:8, 11).

He may not cover it with his foot – שֶׁלֹּא יְכַסֶּנּוּ בָּרֶגֶל: The mitzva of covering the blood may be performed by using one's hand, a knife, or another instrument. One may not use his foot, as this is degrading to the mitzva (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:16; *Shulḥan Arukh*, *Yoreh De'a* 28:6).

And Rabban Gamliel deemed him obligated to give ten gold coins – וְחִייְבוֹ רַבָּן גַּמְלִיאֵל לִיתֵּן לוֹ עֲשָׂרָה זְהוּבִים: In a case where one covers the blood of a slaughtered undomesticated animal or a bird without the slaughterer's consent, the one who covered the blood is obligated to compensate the slaughterer according to the judges' assessment. Others maintain he pays the slaughterer the fixed sum of ten gold coins. The early commentaries write that although this fine is not imposed nowadays, if the slaughterer received payment from the one who covered the blood, the slaughterer is entitled to keep the money (Rambam *Sefer Nezikin*, *Hilkhot Ḥovel UMazik* 7:14; *Shulḥan Arukh*, *Ḥoshen Mishpat* 382:1).

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אִיבַּעְיָא לְהוּ: שְׂכַר מִצְוָה, אוֹ שְׂכַר בְּרָכָה? לְמַאי נָפְקָא מִינָּה – לְבִרְכַּת הַמָּזוֹן; אִי אָמְרַתְּ שְׂכַר מִצְוָה – אַחַת הִיא, וְאִי אָמְרַתְּ שְׂכַר בְּרָכָה – הָוְיָין אַרְבָּעִים, מַאי?

A dilemma was raised before the Sages: Are these ten gold coins **compensation** for the stolen **mitzva or** are they **compensation** for the stolen **blessing** recited over the mitzva? The Gemara elaborates: **What is the** practical **difference?** The difference is **with regard to** a similar case involving **Grace after Meals. If you say** the coins are **compensation for the mitzva,** then with regard to Grace after Meals, since all its blessings constitute **one** mitzva, one would be obligated to give only ten gold coins. **But if you say** they are **compensation for the** lost **blessing,** then with regard to Grace after Meals the compensation **is forty** gold coins, since Grace after Meals comprises four blessings. **What** is the conclusion?

תָּא שְׁמַע, דַּאֲמַר לֵיהּ הַהוּא מִינָא לְרַבִּי: מִי שֶׁיָּצַר הָרִים – לֹא בָּרָא רוּחַ, וּמִי שֶׁבָּרָא רוּחַ – לֹא יָצַר הָרִים, דִּכְתִיב: ״כִּי הִנֵּה יוֹצֵר הָרִים וּבֹרֵא רוּחַ״! אֲמַר לֵיהּ: שׁוֹטֶה, שְׁפִיל לְסֵיפֵיהּ דִּקְרָא – ״ה׳ צְבָאוֹת שְׁמוֹ״.

The Gemara suggests: **Come** and **hear** a proof from an incident in **which a certain heretic said to Rabbi** Yehuda HaNasi: **He who created mountains did not create wind, and he who created wind did not create mountains;** rather, each was created by a separate deity, **as it is written: "For behold, He Who forms the mountains and He Who creates the wind"** (Amos 4:13), indicating that there are two deities: One who forms the mountains and one who creates the wind. Rabbi Yehuda HaNasi **said to him: Imbecile, go to the end of the verse,** which states: **"The Lord, the God of hosts, is His name."**[N] The verse emphasizes that God is the One Who both forms and creates.

אֲמַר לֵיהּ: נְקוֹט לִי זִימְנָא תְּלָתָא יוֹמֵי, וּמַהְדַּרְנָא לָךְ תְּיוּבְתָּא. יְתֵיב רַבִּי תְּלַת תַּעֲנִיתָא. כִּי הֲוָה קָא בָּעֵי מִיבָּרֵךְ, אֲמַרוּ לֵיהּ: מִינָא קָאֵי אַבָּבָא. אֲמַר: ״וַיִּתְּנוּ בְּבָרוּתִי רוֹשׁ״ וְגוֹ׳.

The heretic **said to** Rabbi Yehuda HaNasi: **Give me three days' time and I will respond to you** with **a rebuttal** of your claim. **Rabbi** Yehuda HaNasi **sat** and fasted **three** days of **fasting** while awaiting the heretic, in order that he would not find a rebuttal. **When** Rabbi Yehuda HaNasi **wanted to have a meal** at the conclusion of those three days, **they said to him:** That **heretic is standing at the doorway.** Rabbi Yehuda HaNasi **recited** the following verse about himself: **"They put gall into my food,** and for my thirst they gave me vinegar to drink" (Psalms 69:22), i.e., my meal is embittered with the presence of this heretic.

אֲמַר לֵיהּ: רַבִּי, מְבַשֶּׂר טוֹבוֹת אֲנִי לָךְ, לֹא מָצָא תְּשׁוּבָה אוֹיִבְךָ, וְנָפַל מִן הַגַּג וָמֵת. אָמַר לוֹ: רְצוֹנְךָ שֶׁתִּסְעוֹד אֶצְלִי? אָמַר לוֹ: הֵן. לְאַחַר שֶׁאָכְלוּ וְשָׁתוּ, אָמַר לוֹ: כּוֹס שֶׁל בְּרָכָה אַתָּה שׁוֹתֶה, אוֹ אַרְבָּעִים זְהוּבִים אַתָּה נוֹטֵל? אָמַר לוֹ: כּוֹס שֶׁל בְּרָכָה אֲנִי שׁוֹתֶה. יָצְתָה בַּת קוֹל וְאָמְרָה: כּוֹס שֶׁל בְּרָכָה יִשְׁוֶה אַרְבָּעִים זְהוּבִים.

When Rabbi Yehuda HaNasi came to the door he saw that it was in fact a different heretic, not the one who asked for three days to prepare a rebuttal. This heretic **said to him: Rabbi, I am a bearer of good tidings for you: Your enemy did not find a response, and he threw himself from the roof and died.** Rabbi Yehuda HaNasi **said to** the heretic: Since you have brought me good tidings, **would you like to dine with me?** The heretic **said to him: Yes. After they ate and drank,** Rabbi Yehuda HaNasi **said to** the heretic: Would **you** like to **drink the cup of blessing,** i.e., the cup of wine over which the Grace after Meals is recited, **or** would **you** like to **take forty gold coins** instead, and I will recite the Grace after Meals? The heretic **said to him: I** will **drink the cup of blessing. A Divine Voice emerged and said: The cup of blessing is worth forty gold coins.** Evidently, each one of the blessings in the Grace after Meals is worth ten gold coins.

אָמַר רַבִּי יִצְחָק: עֲדַיִין יֶשְׁנָהּ לְאוֹתָהּ מִשְׁפָּחָה בֵּין גְּדוֹלֵי רוֹמִי, וְקוֹרְאִין אוֹתָהּ מִשְׁפַּחַת בַּר לוּיַאנוּס.

The Gemara adds: **Rabbi Yitzḥak says: That family** of the heretic who dined with Rabbi Yehuda HaNasi **still exists among the prominent** families **of Rome, and** that family **is called: The family of bar Luyyanus.**

״כִּסָּהוּ וְנִתְגַּלָּה״. אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: מַאי שְׁנָא מֵהָשְׁתָּא אֲבֵדָה, דְּאָמַר מָר: ״הָשֵׁב״ – אֲפִילּוּ מֵאָה פְּעָמִים?

§ The mishna teaches that if one **covered** the blood **and it was** then **uncovered** he is not obligated to cover it again. **Rav Aḥa, son of Rava, said to Rav Ashi: What is different** about this case from the mitzva of **returning a lost item, where the Master said:** The verse states with regard to the obligation to return a lost item: **"You shall return** them to your brother" (Deuteronomy 22:1), **even one hundred times?**[H]

אֲמַר לֵיהּ: הָתָם לָא כְּתִיב מִיעוּטָא, הָכָא כְּתִיב מִיעוּטָא – ״וְכִסָּהוּ״.

Rav Ashi **said to** Rav Aḥa: **There,** in the verse discussing the obligation to return a lost item, **a restriction is not written** in the verse to limit the obligation. **Here,** in the verse discussing the obligation to cover the blood, **a restriction is written,** as the verse states: **"And he shall cover it."** The usage of the term "it" indicates that one must cover the blood only one time.

NOTES

He Who created mountains did not create wind… the Lord the God of hosts is His name – מִי שֶׁיָּצַר הָרִים לֹא בָּרָא רוּחַ...ה׳ צְבָאוֹת שְׁמוֹ: The term heretic in this context is a general reference to a heretic or a dissident to the Torah, and this includes Christians. These heretics were experts in Bible and utilized their expertise in attempting to prove the veracity of their beliefs from the Bible itself. In the context of this Gemara, the heretic attempted to demonstrate the concept of ditheism, the distinction between a god of day and a god of night, from a verse in the Bible (see *Gilyon HaShas*). Rabbi Eliyahu of Paris writes that as a result of this attempted claim, the Sages instituted that a person mention: The Lord of hosts is His name, at the conclusion of the first blessing recited before Shema during the evening prayers (Ritva).

HALAKHA

You shall return even one hundred times – הָשֵׁב אֲפִילּוּ מֵאָה פְּעָמִים: There is no limit to the number of times one is obligated to return the same lost item. Therefore, if one returned a lost animal and it subsequently became lost once more, even the one who first returned it is obligated to return it again (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 11:14; *Shulḥan Arukh*, *Ḥoshen Mishpat* 267:2).

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HALAKHA

One slaughters and its blood is absorbed by the ground – הַשּׁוֹחֵט וְנִבְלַע דָּם בַּקַּרְקַע: In a case where one slaughtered either a domesticated animal or a bird and its blood became absorbed into the ground, if the impression of the blood is still discernable, the obligation to cover the blood still remains (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:9; *Shulḥan Arukh*, *Yoreh De'a* 28:10).

The blood of an undomesticated animal or bird that was mixed with water – דָּם שֶׁנִּתְעָרֵב בְּמַיִם: In a case where the blood of either an undomesticated animal or a bird became mixed with water, if the mixture retains the appearance of blood one is obligated to cover it; if not, there is no obligation. If the blood became mixed with wine or with the blood of a domesticated animal, the wine or blood of the domesticated animal is viewed as if it is water and the aforementioned criterion is applied. This *halakha* is in accordance with the opinion of the Rabbis in the mishna (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:6; *Shulḥan Arukh*, *Yoreh De'a* 28:12–13).

"כִּסָּהוּ הָרוּחַ". אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁחָזַר וְנִתְגַּלָּה, אֲבָל לֹא חָזַר וְנִתְגַּלָּה – פָּטוּר מִלְּכַסּוֹת. וְכִי חָזַר וְנִתְגַּלָּה מַאי הָוְיָא? הָא אִידַּחְיֵי לֵיהּ! אָמַר רַב פַּפָּא, זֹאת אוֹמֶרֶת: אֵין דְּחוּי אֶצֶל מִצְוֹת.

§ The mishna teaches that if **the wind** blew earth on the blood and **covered it** one is obligated to cover the blood. **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: They taught** this *halakha* **only** if the blood **was again uncovered. But** if the blood **was not again uncovered** one is **exempt from** the obligation **to cover it.** The Gemara asks: **And when** the blood **was again uncovered, what of it? Isn't it** already **rejected** from the mitzva of covering since it was covered by the wind? **Rav Pappa said: That is to say** that **there is no permanent** rejection **with regard to mitzvot.** Although the wind covered the blood, the mitzva to cover it was not rendered null; rather, the mitzva simply could not be performed. Consequently, once the blood is again uncovered, the mitzva to cover the blood remains in place.

וּמַאי שְׁנָא מֵהָא דְּתַנְיָא: הַשּׁוֹחֵט וְנִבְלַע דָּם בַּקַּרְקַע – חַיָּיב לְכַסּוֹת? הָתָם כְּשֶׁרְשׁוּמוֹ נִיכָּר.

The Gemara asks: **But** even if the wind covered the blood and it remained covered, why is one exempt from performing the mitzva of covering the blood? **What is different** about this case **from that which is taught** in a *baraita*: In a case where **one slaughters** an undomesticated animal or a bird **and** its **blood is absorbed by the ground,**[H] one is **obligated to cover** the blood? The Gemara responds: **There,** the *baraita* is referring to a case **where the impression** of the blood **is** still **recognizable,** i.e., it was not entirely absorbed in the ground.

מתני' דָּם שֶׁנִּתְעָרֵב בְּמַיִם, אִם יֵשׁ בּוֹ מַרְאִית דָּם – חַיָּיב לְכַסּוֹת. נִתְעָרֵב בְּיַיִן – רוֹאִין אוֹתוֹ כְּאִילּוּ הוּא מַיִם. נִתְעָרֵב בְּדַם הַבְּהֵמָה

MISHNA In a case of the **blood** of an undomesticated animal or bird **that was mixed with water,**[H] **if there is in** the mixture **the appearance of blood** one is **obligated to cover** it. If the blood **was mixed with wine one views** the wine **as though it is water,** and if a mixture with that amount of water would have the appearance of blood one is obligated to cover it. Likewise, if the blood of an undomesticated animal or a bird **was mixed with the blood of a domesticated animal,** which one does not have to cover,

Perek **VI**
Daf **87** Amud **b**

HALAKHA

Blood that spurts and that remained on the knife – דָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין: In a case where the blood of an undomesticated animal or bird spurted out of the slaughter area or remained on the slaughtering knife, if no other blood from the slaughter remains, one is obligated to cover the blood that spurted out or that remained on the knife, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:8, and see Ra'avad there; *Shulḥan Arukh*, *Yoreh De'a* 28:15).

Blood of an offering fit for sacrifice that was mixed with water, etc. – דָּם שֶׁנִּתְעָרֵב בְּמַיִם וכו': In a case where water fell into blood that was in a basin, if it has the appearance of blood it is fit. If red wine or non-sacred blood fell into the blood one considers the wine as though it is water, and if that amount of water would negate the appearance of blood from the mixture it is unfit for presentation. If that amount of water would leave the mixture with the appearance of blood it is fit for presentation. This *halakha* is in accordance with the opinion of the Rabbis (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 2:22).

אוֹ בְּדַם הַחַיָּה – רוֹאִין אוֹתוֹ כְּאִילּוּ הֵן מַיִם. רַבִּי יְהוּדָה אוֹמֵר: אֵין דָּם מְבַטֵּל דָּם.

or with blood of the undomesticated animal that did not flow from the neck and does not require covering, **one views** the blood **as though it is water. Rabbi Yehuda says: Blood does not nullify blood.** Therefore, even if the undomesticated animal's blood, which one must cover, is not recognizable in this mixture, he is obligated to cover the mixture nevertheless.

דָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין – חַיָּיב לְכַסּוֹת. אָמַר רַבִּי יְהוּדָה: אֵימָתַי? בְּזְמַן שֶׁאֵין שָׁם דָּם אֶלָּא הוּא, אֲבָל יֵשׁ שָׁם דָּם שֶׁלֹּא הוּא – פָּטוּר מִלְּכַסּוֹת.

With regard to **blood that spurts** outside the pit over which the animal was slaughtered, or onto a wall, **and** blood **that** remained **on the** slaughtering **knife,**[H] one is **obligated to cover** it. **Rabbi Yehuda said: When** is this the *halakha*? **When no blood** remains **there** from the slaughter **except that** blood. **But** if **blood** remains **there** from the slaughter **that is not that** blood, he is **exempt from covering** it.

גמ' תְּנַן הָתָם: דָּם שֶׁנִּתְעָרֵב בְּמַיִם, אִם יֵשׁ בּוֹ מַרְאִית דָּם – כָּשֵׁר. נִתְעָרֵב בְּיַיִן – רוֹאִין אוֹתוֹ כְּאִילּוּ הוּא מַיִם. נִתְעָרֵב בְּדַם בְּהֵמָה אוֹ בְּדַם הַחַיָּה – רוֹאִין אוֹתוֹ כְּאִילּוּ הוּא מַיִם. רַבִּי יְהוּדָה אוֹמֵר: אֵין דָּם מְבַטֵּל דָּם.

GEMARA **We learned** in a mishna **there** (*Zevaḥim* 77b): In the case of **blood** of an offering fit for sacrifice **that was mixed with water,**[H] **if** the mixture **has the appearance of blood** it is **fit** for sprinkling on the altar, even though the majority of the mixture is water. If the blood **was mixed with** red **wine, one views** the wine **as though it is water.** If that amount of water would leave the mixture with the appearance of blood it is fit for presentation. And likewise, if the blood **was mixed with the blood of** a non-sacred **domesticated animal or the blood of** a non-sacred **undomesticated animal, one considers** the non-sacred blood **as though it is water. Rabbi Yehuda says: Blood does not nullify blood.** Therefore, the priest presents the blood of the mixture on the altar.

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אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שֶׁנָּפְלוּ מַיִם לְתוֹךְ דָּם, אֲבָל נָפַל דָּם לְתוֹךְ מַיִם – רִאשׁוֹן רִאשׁוֹן בָּטֵל.

The mishna teaches that in a case where water became mixed with the blood of an offering, if the mixture has the appearance of blood it is fit, despite the fact that there is more water than blood. Concerning this **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: They taught** this *halakha* **only** in a case **where** the **water fell into** the **blood. But** in a case where the **blood fell into** the **water,** the **first** drop of blood, and then the next **first** drop of blood, are **nullified**[H] in the water, i.e., each drop is nullified in turn. Consequently, the mixture is unfit for presentation, regardless of whether it has the appearance of blood.

אָמַר רַב פַּפָּא: וּלְעִנְיַן כִּסּוּי אֵינוֹ כֵּן, אֵין דְּחוּי אֵצֶל מִצְוֹת.

Rav Pappa says: But with regard to the mitzva of **covering** the blood of birds or undomesticated animals that are slaughtered, **it is not so.** In this case, even if the blood fell into water the mitzva of covering applies to it, provided the mixture has the appearance of blood. The blood is not nullified by the water **because there is no** permanent **rejection with regard to mitzvot** other than those that relate to sacrificial rites. Therefore, its nullification was merely temporary, but once there is enough blood in the water it reassumes its status of blood.

אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: כָּל מַרְאֵה אַדְמוּמִית – מְכַפְּרִין, וּמַכְשִׁירִין, וְחַיָּיבִין בְּכִסּוּי. מַאי קָמַשְׁמַע לָן? מְכַפְּרִין – תָּנֵינָא, חַיָּיבִין בְּכִסּוּי – תָּנֵינָא!

§ With regard to mixtures of blood and water, **Rav Yehuda says** that **Shmuel says: All** mixtures of blood and water that maintain **a reddish hue** are considered blood and **effect atonement** by being presented on the altar, **and render** food **susceptible** to contracting ritual impurity,[N] **and are** included in the **obligation of covering** the blood provided that the blood is from the slaughter of an undomesticated animal or bird. The Gemara asks: **What** is Rav Yehuda **teaching us?** If he is teaching us that such mixtures **effect atonement, we** already **learn** this from the mishna in tractate *Zevaḥim*. And if he is teaching us that such mixtures are included in the **obligation of covering** the blood, **we** already **learn** this in the mishna here.

מַכְשִׁירִין אִיצְטְרִיכָא לֵיהּ. מַכְשִׁירִין נַמִּי, אִי דָּם – אַכְשׁוּרֵי מַכְשַׁר, אִי מַיָּא – אַכְשׁוּרֵי מַכְשְׁרִי! לָא צְרִיכָא, שֶׁתִּמְּדוֹ בְּמֵי גְּשָׁמִים.

Rather, it **was necessary for** Rav Yehuda to teach that such mixtures **render** food **susceptible** to contracting ritual impurity, as this was not taught in a mishna. The Gemara challenges: It is **also** unnecessary to teach that such mixtures **render** food **susceptible** to contracting ritual impurity. **If** the mixture has the status of **blood it renders** food **susceptible,** as does blood, **and if** the mixture has the status of **water it renders** food susceptible, as does water. The Gemara responds: **No,** this statement is **necessary** in a case **where** the blood **was mixed with rainwater,** which does not render food susceptible without the intent or desire of the owner of the food. If the mixture is considered blood it renders food susceptible.

מֵי גְּשָׁמִים נַמִּי, כֵּיוָן דְּשָׁקֵיל וְרָמֵי – אַחְשְׁבִינְהוּ! לָא צְרִיכָא, שֶׁנִּתְּמָדוּ מֵאֲלֵיהֶן.

The Gemara challenges: With regard to **rainwater as well, since one took** it **and placed** it into a vessel containing blood, **he has ascribed significance** to the rainwater and it should be capable of rendering food susceptible. The Gemara responds: **No,** this statement is **necessary** in a case **where** the rainwater **was mixed** with the blood **by itself,** i.e., it was not gathered and poured purposefully.

רַבִּי אַסִי מִנְּהַרְבִּיל אוֹמֵר: בִּצְלוֹלְתָּא דִּדְמָא. רַבִּי יִרְמְיָה מִדִּפְתִּי אָמַר: עָנוּשׁ כָּרֵת, וְהוּא דְּאִיכָּא כַּזַּיִת. בְּמַתְנִיתָא תָּנָא: מְטַמְּאִים בְּאֹהֶל, וְהוּא דְּאִיכָּא רְבִיעִית.

Rabbi Asi of Neharbil says: The statement of Rav Yehuda is referring **to blood plasma,**[B] i.e., if the plasma has a reddish hue due to the blood, it has the status of blood and can render food susceptible to contracting ritual impurity. **Rabbi Yirmeya of Difti said:** Consumption of this plasma is **punishable by *karet*,** as is the *halakha* with regard to one who consumes blood (see Leviticus 17:14), **provided that there is** at least one **olive-bulk** of actual blood.[N] **It was taught in a *baraita*:** Blood plasma that issues from a corpse that has a reddish hue **imparts ritual impurity in a tent, provided that there is** at least **a quarter-*log*** of actual blood,[H] which is the amount of a corpse's blood that imparts ritual impurity.

HALAKHA

But if the blood fell into the water the first drop and then the next first drop are nullified – אֲבָל נָפַל דָּם לְתוֹךְ מַיִם רִאשׁוֹן רִאשׁוֹן בָּטֵל: If the blood of consecrated offerings became mixed into either water or the blood of non-consecrated animals, such a mixture may not be presented on the altar, even after the fact (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 2:22).

Imparts ritual impurity in a tent provided that there is at least a quarter-*log* of blood – מְטַמְּאִים בְּאֹהֶל וְהוּא דְּאִיכָּא רְבִיעִית: Touching blood that issues from a corpse imparts ritual impurity in a tent to the same degree as touching or carrying the actual corpse, provided there was a minimum amount of a quarter-*log* of blood. Even the blood plasma imparts ritual impurity, provided it retains the reddish hue of the blood (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:12, 3:13).

NOTES

And render food susceptible to contracting ritual impurity – וּמַכְשִׁירִין: The mishna (*Makhshirin* 6:4) delineates seven liquids that render food susceptible to contracting ritual impurity: Wine, blood, oil, milk, dew, honey, and water.

Is punishable by *karet* provided that there is at least one olive-bulk of blood – עָנוּשׁ כָּרֵת וְהוּא דְּאִיכָּא כַּזַּיִת: Some explain this to mean one is liable to receive *karet* as long as he consumes at least one olive-bulk of blood, even if the mixture contains so much clear plasma that the olive-bulk of blood would be consumed in a period greater than the time it takes to eat a half-loaf of bread. This is because the blood is not nullified by the plasma (Ritva). Others suggest that Rabbi Yirmeya means one is liable to receive *karet* even for consuming one olive-bulk of the plasma, provided it has a reddish hue (Rambam, as explained by *Torat Ḥayyim*). Alternatively, some explain that Rabbi Yirmeya is referring to the plasma alone, i.e., one is liable to receive *karet* for the consumption of a quantity of plasma that could coagulate and form an olive-bulk of blood (Responsa *Ḥatam Sofer Yoreh De'a* 70, citing *Shabbat* 77a).

BACKGROUND

Blood plasma – בִּצְלוֹלְתָּא דִּדְמָא: This is a mostly clear liquid with a yellowish hue and constitutes approximately 55 percent of the body's total blood volume. Ninety percent of plasma is water, and the rest is made up of various proteins and salts. The red part of the blood is essentially red blood cells, which carry oxygen to the other cells in the body.

Separation of the blood from the plasma occurs naturally when blood is either stagnant or clots. The scenario described by the Gemara, in which the plasma retains a reddish hue from the blood, is an intermediate stage, when the red blood cells separated only partially from the plasma, or is a case of hemolysis, which is the rupture or destruction of red blood cells.



Tubes of blood plasma

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תְּנַן הָתָם: כָּל מַשְׁקֶה הַמֵּת – טְהוֹרִין, חוּץ מִדָּמוֹ; וְכָל מַרְאֵה אַדְמוּמִית שֶׁבּוֹ – מְטַמְּאִין בְּאֹהֶל. וּמַשְׁקֶה הַמֵּת טְהוֹרִין? וּרְמִינְהוּ: מַשְׁקֶה טְבוּל יוֹם, מַשְׁקִין הַיּוֹצְאִין מִמֶּנּוּ – כְּמַשְׁקִין שֶׁנּוֹגְעִין בָּהֶן,

We learned in a *baraita* **elsewhere** (*Tosefta*, *Oholot* 4:5): **All liquids** that issue **from a corpse,** e.g., teardrops or breastmilk, **are ritually pure,**[H] **except for its blood. And all** liquids that issue **from** a corpse that contain **a reddish hue** of blood **impart ritual impurity in a tent.** The Gemara asks: **But are liquids** that issue from **a corpse ritually pure? And raise a contradiction** from a mishna (*Tevul Yom* 2:1): With regard to **liquids** that issue **from one who immersed that day,**[HN] **liquids that issue from him** have the same status **as liquids that he touches.**

HALAKHA

All liquids that issue from a corpse are ritually pure – כָּל מַשְׁקֶה הַמֵּת טְהוֹרִין: All liquids that issue from a corpse are ritually pure, except for its blood. Although the Sages decreed that all other liquids that issue from other impure sources impart ritual impurity, they saw no reason to decree this with regard to the liquids issuing from a corpse because people are careful to avoid contact. This is in accordance with the ruling of the *baraita*, as explained by the Gemara on 88a (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:13).

Liquids that issue from one who immersed that day – מַשְׁקֶה טְבוּל יוֹם: Liquids that issue from a ritually impure individual have the status of liquids touched by that individual; namely, first-degree impurity. By contrast, liquids that issue from a *zav* are considered primary sources of ritual impurity. Liquids that issue from one who immersed himself that day have the status of liquids that he himself touched. For instance, if he touched non-sacred liquid, the liquid is considered ritually pure. If he touched a liquid of *teruma*, it assumes third-degree impurity. If he touched a liquid that was consecrated, the liquid assumes fourth-degree impurity. This is in accordance with the mishna in *Tevul Yom* (2:1), as explained by the Gemara on 88a (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 10:4).

NOTES

One who immersed that day – טְבוּל יוֹם: This refers to an individual who immersed himself to remove ritual impurity, and the sun has not yet set. Although he is ritually pure with regard to eating non-sacred food and second tithe, he may not partake of *teruma* until nightfall. Until nightfall, he is considered to have second-degree ritual impurity and disqualifies *teruma* for consumption if touched by him. Nevertheless, the *teruma* he touches does not impart ritual impurity to other *teruma* it touches, as *teruma* with a third-degree status of impurity cannot impart fourth-degree impurity to other *teruma*.

Perek **VI**
Daf **88** Amud **a**

וְאֵלּוּ וָאֵלּוּ אֵין מְטַמְּאִין. וְשָׁאָר כָּל הַטְּמֵאִין, בֵּין קַלִּין בֵּין חֲמוּרִין – מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמַשְׁקֶה הַנּוֹגֵעַ בָּהֶן. וְאֵלּוּ וָאֵלּוּ תְּחִלָּה, חוּץ מִן הַמַּשְׁקֶה שֶׁהוּא אַב הַטּוּמְאָה.

And both **these and those,** i.e., both liquids that issue from one who immersed himself that day and liquids he touches, **do not impart ritual impurity. And** with regard to **all other** sources of **impurity, whether minor** sources **or major** sources, **liquids that issue from them** have the same status **as liquids that touch them, and** both **these and those have** first-degree ritual impurity, since they touched a primary source of ritual impurity upon exiting the source. This is the *halakha* **except for a liquid that is** itself **a primary source of** ritual **impurity.**[N]

NOTES

Except for a liquid that is a primary source of ritual impurity – חוּץ מִן הַמַּשְׁקֶה שֶׁהוּא אַב הַטּוּמְאָה: This category includes blood from a corpse, and the spittle, urine, or gonorrhea-like discharge of a *zav*. Semen of any man is also a primary source of impurity. The other liquids discussed in the mishna that are not primary sources of ritual impurity are nasal mucus, teardrops, and blood from wounds.

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מַאי קַלִּין וּמַאי חֲמוּרִין? מַאי לָאו, קַלִּין – שֶׁרֶץ וְזָב, וַחֲמוּרִין – מֵת? לָא, קַלִּין – שֶׁרֶץ, וַחֲמוּרִין – זָב.

The Gemara analyzes the mishna: **What** is the meaning of **minor** sources **and what** is the meaning of **major** sources? **What, is it not** that the term: **Minor** sources, is referring to **a creeping animal**[B] **or a *zav*,**[B] **and** that the term: **Major** sources, is referring to **a corpse?**[BN] If so, the mishna teaches that all liquids that issue from a corpse are ritually impure, in contradiction to the *baraita*. The Gemara responds: **No,** the term: **Minor** sources, is referring to **a creeping animal,** e.g., urine found inside its body, which is not considered ritually impure, **and** the term: **Major** sources, is referring to **a *zav*,** concerning whom all liquids that issue from him are ritually impure. By contrast, liquids that issue from a corpse are ritually pure with the exception of blood.

מַאי שְׁנָא זָב דְּגָזְרוּ בֵּיהּ רַבָּנַן, וּמַאי שְׁנָא מֵת דְּלָא גָּזְרוּ בֵּיהּ רַבָּנַן? זָב, דְּלָא בְּדִילִי אֱינָשֵׁי מִינֵּיהּ – גָּזְרוּ בֵּיהּ רַבָּנַן. מֵת, דִּבְדִילִי אֱינָשֵׁי מִינֵּיהּ – לָא גָּזְרוּ בֵּיהּ רַבָּנַן.

The Gemara asks: **What is different** with regard to **a *zav*, concerning whom the Sages decreed** that liquids that issue from him are ritually impure, **and what is different** with regard to **a corpse, concerning which the Sages did not decree** that liquids that issue from it are ritually impure? The Gemara responds: In the case of **a *zav*, since people do not** naturally **separate from him, the Sages decreed** additional restrictions **with regard to him** in order to prevent others from contracting impurity from liquids that issue from a *zav* that are impure by Torah law. In the case of **a corpse, since people** naturally **separate from it, the Sages did not decree** additional restrictions **with regard to it.**

"דָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין". תָּנוּ רַבָּנַן: "וְכִסָּהוּ" – מְלַמֵּד שֶׁדָּם הַנִּיתָּז וְשֶׁעַל הַסַּכִּין חַיָּיב לְכַסּוֹת. אָמַר רַבִּי יְהוּדָה: אֵימָתַי? בִּזְמַן שֶׁאֵין שָׁם דָּם אֶלָּא הוּא, אֲבָל יֵשׁ שָׁם דָּם שֶׁלּוֹ הוּא – פָּטוּר מִלְּכַסּוֹת.

§ The mishna teaches that one is obligated to cover **blood that spurts** outside the pit over which the animal was slaughtered, or onto the wall, **and** blood **that** remained **on the** slaughtering **knife.** With regard to this *halakha*, **the Sages taught** in a *baraita*: The verse states: **"And he shall cover it"** (Leviticus 17:13), which **teaches that** one is **obligated to cover blood that spurted and** blood **that** remained **on the** slaughtering **knife. Rabbi Yehuda said: When** is this the *halakha*? **When there is no blood except that** blood. **But** if **there is** other **blood that is not that** blood, one is **exempt from covering** it.

תַּנְיָא אִידָךְ: "וְכִסָּהוּ" – מְלַמֵּד שֶׁכָּל דָּמוֹ חַיָּיב לְכַסּוֹת. מִכָּאן אָמְרוּ: דָּם הַנִּיתָּז וְשֶׁעַל אֲגַפַּיִים – חַיָּיב לְכַסּוֹת. אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: בַּמֶּה דְּבָרִים אֲמוּרִים – שֶׁלֹּא כִּסָּה דַּם הַנֶּפֶשׁ, אֲבָל כִּסָּה דַּם הַנֶּפֶשׁ – פָּטוּר מִלְּכַסּוֹת.

It is taught in **another** *baraita*: The term: **"And he shall cover it," teaches that** one is **obligated to cover all** of the **blood. From here** the Sages **stated:** With regard to **blood that spurts out and** blood **that** remains **on the sides** of the animal's throat where it was slaughtered, one is **obligated to cover** it. **Rabban Shimon ben Gamliel said: In what** case **is this statement said?** It is said in a case **where** one **did not** already **cover the blood of the soul,** i.e., the blood that flows from the place of slaughter as the animal dies. **But if** one already **covered the blood of the soul,**[H] he is **exempt from** the obligation **to cover** the blood that spurted out or the blood remaining on the sides of the animal's neck in the area of slaughter.

BACKGROUND

Creeping animal – שֶׁרֶץ: There are eight creeping animals, small mammals, and lizards whose carcasses impart ritual impurity upon contact (Leviticus 11:29–30). There is no clear oral tradition with regard to the identity of the animals listed in the Torah, and therefore determining their identity involves educated conjecture. Among the suggestions offered for some of the animals listed are rat, mouse, dabb lizard, gecko, monitor, and chameleon.



Mediterranean house gecko

***Zav* – זָב:** The term *zav* refers to a man suffering from a gonorrhea-like condition. The *halakhot* relating to the severe ritual impurity caused by this condition are detailed in the Torah (see Leviticus 15:1–15) and in tractate *Zavim*. The *zav* becomes ritually impure as a result of the secretion of a white, pus-like discharge from his penis. A man who experiences a discharge of that kind on one occasion becomes ritually impure for one day, like a man who has discharged semen. If he experiences a second discharge on the same day or the following day, or a prolonged initial discharge, he contracts the more severe ritual impurity of a *zav*, which lasts seven days. If he experiences a third discharge within the next day, he is obligated to bring a pair of doves, one for a sin offering and one for a burnt offering, as part of his purification process. Not only does the man himself become ritually impure, he imparts ritual impurity by coming into contact with vessels or people: By touching them, by being touched by them, by being moved by them, by moving them, by lying or sitting on them, or through the medium of a large stone that the *zav* is lying on, which is positioned over them. The fluids he secretes, i.e., his spittle, urine, and semen, impart ritual impurity, and any article on which he sits or lies becomes a primary source of ritual impurity and can itself impart ritual impurity to other articles.

Corpse – מֵת: Human corpses are the ultimate primary source of ritual impurity. A person or item rendered ritually impure by a corpse becomes one of the primary sources of ritual impurity, and imparts that ritual impurity to people and garments, for a period of seven days, or longer if he foregoes the purification ritual. A corpse transfers ritual impurity by contact and by being carried, and also, uniquely, by what is known as impurity in a tent. The latter form of transference takes place if an individual enters a room that contains a corpse. Ritual impurity is imparted not only by a whole corpse but also by parts of it, though there are many complex *halakhot* with regard to the parts of a body considered significant enough to impart this form of ritual impurity. Many authorities claim that only Jewish corpses impart impurity in a tent. The *halakhot* of the ritual impurity of a corpse appear primarily in tractate *Oholot*.

HALAKHA

Blood that spurts out…the blood of the soul – דָּם הַנִּיתָּז...דָּם הַנֶּפֶשׁ: In a case where blood spurted out of the slaughtering area or remained on the slaughtering knife, if no other blood from the slaughter is present, one is obligated to cover the spurted blood or the blood that remains on the knife. But if other blood from the slaughter is present, that blood may be covered instead, as there is no requirement to cover all the blood. This *halakha* is in accordance with the opinion of Rabbi Yehuda, who is seen as explaining the opinion of the first *tanna* in the mishna and in the first *baraita*.

Of the three opinions recorded in both *baraitot*, the *halakha* is in accordance with the opinion of the *tanna* stated in the mishna, according to which a person is not obligated to cover all the blood. The Rema holds that one must take into consideration the opinion of Rabban Shimon ben Gamliel, who maintains that all of the lifeblood, and not the other blood, must be covered. Therefore, he rules that that even though the *halakha* is in accordance with the opinion of Rabbi Yehuda, it is best to cover at least some of the lifeblood (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:8; *Shulḥan Arukh*, *Yoreh De'a* 28:15 and *Beur HaGra* there).

NOTES

Minor sources is referring to a creeping animal or a *zav* and major sources is referring to a corpse, etc. – קַלִּין שֶׁרֶץ וְזָב וַחֲמוּרִין מֵת וכו': A creeping animal and a *zav* are both primary sources of ritual impurity, imparting first-degree impurity to an item or person they touch. The item or person with first-degree impurity cannot impart ritual impurity to people or vessels, but they can impart impurity to food items they touch. A corpse is the ultimate primary source of ritual impurity [*avi avot hatuma*], imparting the status of a primary source of ritual impurity [*av hatuma*] to items and people with which it comes in contact. The Gemara rejects the proposition that the phrase: Major sources, mentioned in the mishna is referring to a corpse, and explains that the mishna is not referring at all to a corpse. Rather, the phrase: Minor sources, refers only to a creeping animal, which is a minor source of impurity in comparison to the impurity of a *zav*, as a creeping animal does not impart ritual impurity to surfaces designated for lying or sitting.

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בְּמַאי קָא מִיפַּלְגִי? רַבָּנַן סָבְרִי: ״דָּמוֹ״ – כָּל דָּמוֹ, רַבִּי יְהוּדָה סָבַר: ״דָּמוֹ״ – וַאֲפִילּוּ מְקָצָת דָּמוֹ, וְרַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל סָבַר: ״דָּמוֹ״ – הַמְיוּחָד.

The Gemara asks: **With regard to what** matter **do they disagree?** The Gemara responds: **The Rabbis hold** that the expression: "**Its blood**" (Leviticus 17:13), indicates an obligation to cover **all of its blood,** even the blood that spurts out. **Rabbi Yehuda holds** that "**its blood**" indicates that one may fulfill the mitzva with any part of the blood, **even** with **a small amount of its blood. And Rabban Shimon ben Gamliel holds** that "**its blood**" refers to the **special** blood, i.e., the blood of the soul.

מתני׳ בַּמֶּה מְכַסִּין וּבַמֶּה אֵין מְכַסִּין? מְכַסִּין בְּזֶבֶל הַדַּק, וּבְחוֹל הַדַּק, בְּסִיד, וּבְחַרְסִית, וּבִלְבֵנָה וּבִמְגוּפָּה שֶׁכְּתָשָׁן. אֲבָל אֵין מְכַסִּין לֹא בְּזֶבֶל הַגַּס, וְלֹא בְּחוֹל הַגַּס, וְלֹא בִּלְבֵנָה וּבִמְגוּפָּה שֶׁלֹּא כְּתָשָׁן, וְלֹא יִכְפֶּה עָלָיו אֶת הַכֶּלִי. כְּלָל אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: דָּבָר שֶׁמְּגַדֵּל בּוֹ צְמָחִים – מְכַסִּין בּוֹ, וְשֶׁאֵינוֹ מְגַדֵּל צְמָחִים – אֵין מְכַסִּין בּוֹ.

MISHNA **With what** substances **may one cover** the blood **and with what** substances **may one not cover** the blood? **One** may **cover** the blood **with fine** granulated **manure, with fine sand, with lime, with** crushed **potsherd,**[B] **and with a brick or** the **lid**[B] of an earthenware barrel **that one crushed. But one may not cover** the blood **with thick manure, nor with thick,** clumped **sand, nor with a brick or the lid** of an earthenware barrel **that one did not crush. Neither may one** merely **turn a vessel over** the blood. **Rabban Shimon ben Gamliel stated a principle:**[N] With regard to **a substance in which plants grow, one may cover** blood **with it; and** with regard to a substance in **which plants do not grow, one may not cover** blood **with it.**

גמ׳ הֵיכִי דָּמֵי חוֹל הַדַּק? אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל שֶׁאֵין הַיּוֹצֵר צָרִיךְ לְכָתְשׁוֹ. וְאֵיפְכָא דְּמַתְנֵי לָהּ אַסֵּיפָא: אֲבָל אֵין מְכַסִּין לֹא בְּזֶבֶל הַגַּס וְלֹא בְּחוֹל הַגַּס. הֵיכִי דָּמֵי חוֹל הַגַּס? אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל שֶׁהַיּוֹצֵר צָרִיךְ לְכָתְשׁוֹ.

GEMARA The mishna teaches that one may cover the blood with fine sand. The Gemara asks: **What is considered fine sand? Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** It is **any** sand **that the** pottery **producer does not need to crush** in order to use it. The Gemara notes: **And some teach this** statement **in reference to the latter clause** of the mishna, which states: **But one may not cover** the blood **with thick manure, nor with thick sand.** The Gemara asks: **What is considered thick sand? Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** It is **any** sand **that the** pottery **producer must crush** in order to use it.

מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ דְּצָרִיךְ וְלָא צָרִיךְ, דְּמִיפְרִיךְ אִיפְרוּכֵי.

The Gemara asks: **What is** the practical difference **between** these two versions? The Gemara responds: **There is** a difference **between them** with regard to sand **that requires** some crushing **and** sand that **does not require** full crushing, i.e., **that crumbles**[N] in one's hand and does not require a tool. According to the first version, as long as the sand does not require crushing it may be used to cover the blood. Therefore, sand that requires crumbling may be used since it is not considered sand that requires crushing. According to the second version, any sand that requires some crushing may not be used. Therefore, sand that requires crumbling may not be used to cover the blood.

תָּנוּ רַבָּנַן: ״וְכִסָּהוּ״ – יָכוֹל יְכַסֶּנּוּ בַּאֲבָנִים, אוֹ יְכַפֶּה עָלָיו אֶת הַכֶּלִי? תַּלְמוּד לוֹמַר: ״בֶּעָפָר״. וְאֵין לִי אֶלָּא עָפָר, מִנַּיִן לְרִבּוֹת זֶבֶל הַדַּק, וְחוֹל הַדַּק, וּשְׁחִיקַת אֲבָנִים, וּשְׁחִיקַת חַרְסִית, וְנִעוֹרֶת פִּשְׁתָּן דַּקָּה,

§ **The Sages taught** in a *baraita*: The verse states with regard to the mitzva of covering the blood: "**And cover it**" (Leviticus 17:13). One **might** have thought that **he may cover** the blood **with stones or** merely **turn a vessel over it.** Therefore, **the verse states: "With earth."** Based on this expression **I have** derived **only** that **earth** may be used. **From where** does one derive **to include fine manure, fine sand, crushed stones, crushed potsherd, fine chaff of flax,**

BACKGROUND

Crushed potsherd – חַרְסִית: This term is found throughout talmudic literature in the same context as sand, earth, lime, gypsum, and clay. According to some, the term refers to a kind of earth that yields inferior-quality produce. From the Jerusalem Talmud it seems this substance is white in color, though darker than lime.

Crushed potsherd was used in the production of vessels. Some describe it as a substance that, when made cement-like, could be smeared on vessels and used to cement broken pieces of pottery together. Others posit that it is an artificial substance, made from crushed earthenware or crushed stones and other materials, used in the production of cement. In Modern Hebrew, the term refers either to a type of a clay substance composed of miniscule granules or to a group of minerals known as clay minerals.

Lid – מְגוּפָּה: The lid or stopper of a wine barrel was generally made of earthenware and placed in the narrow mouth of the barrel. This stopper was effectively a vessel in its own right. When wine was transported from one place to another or placed in storage for an extended period, mud would be pasted around the stopper to seal the mouth of the barrel entirely. In order to open the barrel they would break the mud cover.

NOTES

Rabban Shimon ben Gamliel stated a principle – כְּלָל אָמַר רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל: The early commentaries explain that Rabban Shimon ben Gamliel does not disagree with that which is already mentioned in the mishna. Rather, he is explaining that the substances permitted are allowed because plants can grow in them.

That crumbles – דְּמִיפְרִיךְ אִיפְרוּכֵי: Rashi explains this to mean that the sand can be crumbled with one's hand and does not require a tool (see Rashba and Ran).

Perek **VI**
Daf **88** Amud **b**

וּנְסוֹרֶת שֶׁל חָרָשִׁין דַּקָּה, וְסִיד, וְחַרְסִית, לְבֵנָה וּמְגוּפָּה שֶׁכְּתָשָׁן? תַּלְמוּד לוֹמַר: ״וְכִסָּהוּ״; יָכוֹל שֶׁאֲנִי מַרְבֶּה אַף זֶבֶל הַגַּס, וְחוֹל הַגַּס, וּשְׁחִיקַת כְּלֵי מַתֶּכֶת, וּלְבֵנָה וּמְגוּפָּה שֶׁלֹּא כְּתָשָׁן, וְקֶמַח וְסוּבִין וּמוֹרָסָן? תַּלְמוּד לוֹמַר: ״בֶּעָפָר״.

fine sawdust of carpenters, lime, crushed **potsherd,** and **a brick** or the **lid** of an earthenware barrel **that one crushed? The verse states: "And cover it,"** i.e., with any substance. One **might** have thought **that I** will **include even thick manure, and thick sand, filings of metal vessels, a brick** or **a lid that one did not crush, flour, bran, and coarse bran.** Therefore, **the verse states:** "And cover it **with earth,"** indicating that not all substances may be used to cover the blood.

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וּמָה רָאִיתָ לְרַבּוֹת אֶת אֵלּוּ וּלְהוֹצִיא אֶת אֵלּוּ? אַחַר שֶׁרִיבָּה הַכָּתוּב וּמִיעֵט, מֵרִבָּה אֲנִי אֶת אֵלּוּ שֶׁהֵן מִן עָפָר, וּמוֹצִיא אֲנִי אֶת אֵלּוּ שֶׁאֵין מִן עָפָר.

The Gemara asks: **And what did you see** that led you **to include these** substances **and to exclude those?** The Gemara responds: **After** noting **that the verse included** certain substances with the term: "And cover it," **and excluded** others with the term: "With earth," **I include these** substances, e.g., fine sand, **which are a type of earth** in which plants grow, **and I exclude those** substances, e.g., thick sand, **which are not a type of earth,** as plants do not grow in them.

אִיתְּמָא: ״וְכִסָּהוּ״ – כְּלָל, ״עָפָר״ – פְּרָט, כְּלָל וּפְרָט – אֵין בַּכְּלָל אֶלָּא מַה שֶּׁבִּפְרָט, עָפָר – אִין, מִידֵי אַחֲרִינָא – לָא!

The Gemara asks: Why must the verse be interpreted in this manner? **Say** that the term: **"And cover it,"** is **a generalization,** and the term: **"With earth,"** is **a detail.** Consequently, the verse constitutes **a generalization and a detail,** and according to the corresponding hermeneutical principle, **the generalization includes only what** is mentioned explicitly **in the detail.** Therefore, only **earth may** be used to cover the blood, while **any other** substance, even substances in which plants grow, may **not** be used.

אֲמַר רַב מָרִי: מְשׁוּם דְּהָוָה כְּלָל הַצְרִיךְ לִפְרָט, וְכָל כְּלָל הַצְרִיךְ לִפְרָט – אֵין דָּנִין אוֹתוֹ בְּכְלָל וּפְרָט.

Rav Mari said in response: One should not suggest such an interpretation **because** the term "and cover it" **is a generalization that requires a detail** to clarify its nature, **and any generalization that requires a detail** to clarify its nature **is not interpreted by** the hermeneutical principle of **a generalization and a detail.** It is necessary for the verse to state that the blood must be covered with earth in order to clarify that the mitzva of covering the blood is such that the blood must be covered with a substance that will absorb the blood, and that it does not suffice to place a vessel over it.

דְּרַשׁ רַב נַחְמָן בַּר רַב חִסְדָּא: אֵין מְכַסִּים אֶלָּא בְּדָבָר שֶׁזּוֹרְעִין בּוֹ וּמַצְמִיחַ. אֲמַר רָבָא: הַאי בּוּרְכָא.

§ **Rav Naḥman bar Rav Ḥisda taught: One may not cover** the blood of an undomesticated animal or a bird **except with a substance in which** seed is **sown and sprouts.**[H] **Rava said: This** is **an absurdity** [***burkha***],[NL] as the mishna and *baraita* both teach that one may use substances in which seeds do not sprout.

אֲמַר לֵיהּ רַב נַחְמָן בַּר יִצְחָק לְרָבָא: מַאי בּוּרְכָתֵיהּ? אֲנָא אֲמַרִיתָהּ נִיהֲלֵיהּ, וּמֵהָא מַתְנִיתָא אֲמַרִיתָהּ נִיהֲלֵיהּ: הָיָה מְהַלֵּךְ בַּמִּדְבָּר וְאֵין לוֹ אֶפֶר לְכַסּוֹת – שׁוֹחֵק דִּינָר זָהָב וּמְכַסֶּה; הָיָה מְהַלֵּךְ בִּסְפִינָה וְאֵין לוֹ עָפָר לְכַסּוֹת – שׁוֹרֵף טַלִּיתוֹ וּמְכַסֶּה.

Rav Naḥman bar Yitzḥak said to Rava: What is the absurdity of **his** statement? **I said this** statement to Rav Naḥman bar Rav Ḥisda **and I said it to him from this *baraita*:** If one **is traveling in the desert,**[H] where the earth is not arable, and wishes to slaughter an undomesticated animal or a bird, **but he does not have dirt** with which **to cover** the blood, **he may grind a gold dinar** into powder **and cover** the blood with it. If one **is traveling on a ship** and wants to slaughter an undomesticated animal or a bird **but he does not have earth** with which **to cover** the blood, **he may burn his garment and cover** the blood with the ashes. It is evident from the first clause of the *baraita* that desert sand, which does not allow for the sprouting of seeds, may not be used to cover the blood of an undomesticated animal or a bird.

בְּשְׁלָמָא שׁוֹרֵף טַלִּיתוֹ וּמְכַסֶּה – אַשְׁכַּחַן אֵפֶר דְּאִיקְרֵי עָפָר, אֶלָּא דִּינָר זָהָב מְנָלַן? אֲמַר רַבִּי זֵירָא: ״וְעַפְרֹת זָהָב לוֹ״.

The Gemara analyzes the *baraita*: **Granted,** it is understood that **one may burn his garment and cover** the blood with the ashes, since **we found** a source for the fact that **ashes are called earth** [***afar***], as the Gemara will soon prove; accordingly, the use of ashes is in accordance with the verse: "And cover it with earth." **But** with regard to **a gold dinar, from where do we** derive that one may grind it into powder and use it to cover the blood? **Rabbi Zeira said:** The verse states: **"And it has dust of** [***afrot***] **gold"** (Job 28:6), indicating that gold is referred to as dust.

תָּנוּ רַבָּנַן: אֵין מְכַסִּין אֶלָּא בֶּעָפָר, דִּבְרֵי בֵּית שַׁמַּאי, וּבֵית הִלֵּל אוֹמְרִים: מָצִינוּ אֵפֶר שֶׁקָּרוּי ״עָפָר״, שֶׁנֶּאֱמַר: ״וְלָקְחוּ לַטָּמֵא מֵעֲפַר שְׂרֵפַת״. וּבֵית שַׁמַּאי, עֲפַר שְׂרֵיפָה אִיקְרֵי, עָפָר סְתָמָא לָא אִיקְרֵי.

The Gemara cites a related *baraita* in which **the Sages taught: One may not cover** the blood of an undomesticated animal or a bird **except with earth;** this is **the statement of Beit Shammai. And Beit Hillel say: We find that ashes are called dust** [***afar***], **as it is stated** with regard to the red heifer: **"And for the impure they shall take from the ashes** [***me'afar***] **of the burning of the purification from sin"** (Numbers 19:17). **And Beit Shammai** respond: Ashes are **called dust of the burning** [***afar sereifa***], but **they are not called ordinary dust** [***afar***].

HALAKHA

One may not cover except with a substance in which seed is sown and sprouts – אֵין מְכַסִּים אֶלָּא בְּדָבָר שֶׁזּוֹרְעִין בּוֹ וּמַצְמִיחַ: Any substance in which the seeds sown can subsequently sprout is considered earth for the purposes of the mitzva of covering the blood and therefore may be used. Additionally, a substance that is called earth, even if it does not cause seeds sown in it to sprout, is also considered earth.

Accordingly, one can perform the mitzva of covering the blood using fine manure, fine sand that the potter does not need to crush in order to render it utilitarian, lime, crushed potsherd, and crushed brick. One can also use the crushed lid of an earthenware barrel, crushed stone, fine chaff of flax, carpenters' fine sawdust, ashes of incinerated clothing or vessels, coal dust, stibium, and shavings from chiseling. One cannot use thick manure, sand that the potter needs to crush in order to render it utilitarian, flour, bran, coarse bran, or filings of metal vessels unless they were incinerated. Ground gold can be used, as the verse in Job (28:6) refers to it as *afar* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:11–13; *Shulḥan Arukh*, *Yoreh De'a* 28:23).

If one is traveling in the desert – הָיָה מְהַלֵּךְ בַּמִּדְבָּר: One can use neither sand nor soil from the desert to perform the mitzva of covering the blood, since they are not arable (*Shulḥan Arukh*, *Yoreh De'a* 28:24; and see Rema and *Shakh* there).

NOTES

This is an absurdity – הַאי בּוּרְכָא: Rava understood that the mishna does not require the use of substances sufficiently arable to grow the seeds sown therein in order to cover the blood. Rather, substances that are capable of generating some degree of growth are sufficient, as stated by Rabban Shimon ben Gamliel in the mishna, and as the *baraita* mentions concerning crushed potsherd and fine chaff of flax (Ritva). Others suggest Rava understood that the first *tanna* in the mishna disagrees with the statement of Rabban Shimon ben Gamliel, and one is not required to use a substance that sprouts the seeds sown therein or even a substance that is capable of generating any degree of growth at all (Ramban; Rashba).

LANGUAGE

Absurdity [*burkha*] – בּוּרְכָא: The *Arukh* explains that this word is a longer form of *bur*, meaning empty or uncultivated, and therefore *burkha* means a hollow or absurd idea with no basis.

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NOTES

Coal dust – הַשָּׁחוֹר: Rashi explains this to mean crushed coals. Some suggest the term refers to soot, while others suggest it refers to the accumulated soot on walls that was used in the manufacturing of ink (Rabbi Yehuda al-Madari).

Shavings from chiseling – נִקֻּרַת פִּיסּוּלִין: According to Rashi this refers to the excess shavings of stone when carving out the furrows in a millstone, while Rabbeinu Gershom Meor HaGola interprets the term as the thin shavings that fall when quarrying.

LANGUAGE

Arsenic [*zarnikh*] – זַרְנִיךְ: Derived from the identical word in Persian, which is in turn derived from the Persian word zarrēn, meaning goldish.

תָּנָא: הוֹסִיפוּ עֲלֵיהֶן הַשָּׁחוֹר וְהַכְּחוֹל, וְנִקֻּרַת פִּיסּוּלִין, וְיֵשׁ אוֹמְרִים: אַף הַזַּרְנִיךְ.

The Gemara notes: It is **taught** that the Sages **added** the following **to the** list of substances in the mishna with which one may cover the blood: **Coal dust,**[N] **stibium** [***keḥol***],[B] **and shavings from chiseling.**[N] **And some say** they included **even arsenic** [***zarnikh***].[LB]

אָמַר רָבָא: בְּשֵׂכַר שֶׁאָמַר אַבְרָהָם אָבִינוּ ״וְאָנֹכִי עָפָר וָאֵפֶר״ – זָכוּ בָּנָיו לִשְׁתֵּי מִצְוֹת, אֵפֶר פָּרָה וַעֲפַר סוֹטָה.

§ The Gemara cites aggadic accounts relating to the mitzva of covering the blood: **Rava says: As reward** for that **which our Patriarch Abraham said: "And I am but dust** [***afar***] **and ashes"** (Genesis 18:27), **his children merited two mitzvot: The ashes of the** red **heifer** (see Numbers, chapter 19) **and the dust of the *sota*,** i.e., dirt taken from the ground of the Tabernacle that is mixed into the water that examines whether or not a woman committed adultery (see Numbers 5:17).

וְלִיחְשׁוֹב נַמִּי עֲפַר כִּסּוּי הַדָּם! הָתָם – הֶכְשֵׁר מִצְוָה אִיכָּא, הֲנָאָה לֵיכָּא.

The Gemara challenges: **But let** Rava **also consider the earth** used in the mitzva of **covering the blood.** The Gemara responds: **There,** the earth **does** serve as an **accessory to the mitzva** of covering the blood, but **there is no benefit** imparted by it. It occurs after the animal has been slaughtered and does not itself render the meat fit for consumption. By contrast, the ashes of the red heifer and the dust of the *sota* provide benefit, as the former purifies one who became ritually impure and the latter leads to peace between husband and wife when drinking the water proves that she did not commit adultery.

וְאָמַר רָבָא: בְּשֵׂכַר שֶׁאָמַר אַבְרָהָם אָבִינוּ,

And Rava says: As reward for that **which our Patriarch Abraham said** to the king of Sodom:

BACKGROUND

Stibium [*keḥol*] – כְּחוֹל: *Keḥol* was a dark blue or black dye that was extracted from the mineral stibnite (Sb_2S_3). The crystals of the mineral were ground up and used by women for painting their eyes, thereby accenting them and making them appear larger than they actually were. *Keḥol* was also used as a cure for eye ailments. The dye was contained in a thin tube and was removed with a thin brush [*mikḥol*].



Kohl tube with applicator, fourteenth century BCE

Arsenic [*zarnikh*] – זַרְנִיךְ: Arsenic is an extremely toxic element in the semi-metal family. Since ancient times it has been used for various functions, including medical purposes, dyeing, and poisoning. It is naturally found in two mineral states: Realgar, which has a ruby-red color, and orpiment, which has a deep yellow hue. When heated, these minerals produce a highly toxic white powder.



Realgar



Orpiment

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״אִם מִחוּט וְעַד שְׂרוֹךְ נַעַל״ – זָכוּ בָּנָיו לִשְׁתֵּי מִצְוֹת, לְחוּט שֶׁל תְּכֵלֶת, וּרְצוּעָה שֶׁל תְּפִילִין.

״That I will not take **a thread nor a shoe strap** nor anything that is yours" (Genesis 14:23), distancing himself from anything not rightfully his, **his children merited two mitzvot: The thread of sky-blue wool** worn on ritual fringes **and the strap of phylacteries.**

בְּשֶׁלָּמָא רְצוּעָה שֶׁל תְּפִילִּין – כְּתִיב: ״וְרָאוּ כָּל עַמֵּי הָאָרֶץ כִּי שֵׁם ה׳ נִקְרָא עָלֶיךָ״, וְתַנְיָא, רַבִּי אֱלִיעֶזֶר הַגָּדוֹל אוֹמֵר: אֵלּוּ תְּפִילִּין שֶׁבָּרֹאשׁ. אֶלָּא, חוּט שֶׁל תְּכֵלֶת מַאי הִיא?

The Gemara asks: **Granted, the strap of** the **phylacteries** imparts benefit, **as it is written: "And all the peoples of the earth shall see that the name of the Lord is called upon you;** and they shall be afraid of you" (Deuteronomy 28:10). **And it is taught** in a *baraita* that **Rabbi Eliezer the Great says: This is** a reference to **the phylacteries of the head,** upon which the name of God is written. Phylacteries therefore impart the splendor and grandeur of God and are a fit reward. **But what is** the benefit imparted by **the thread of sky-blue wool?**

דְּתַנְיָא, רַבִּי מֵאִיר אוֹמֵר: מַה נִּשְׁתַּנְּתָה תְּכֵלֶת מִכָּל הַצְּבָעוֹנִין? מִפְּנֵי שֶׁתְּכֵלֶת דּוֹמָה לְיָם, וְיָם דּוֹמֶה לָרָקִיעַ, וְרָקִיעַ דּוֹמֶה לְאֶבֶן סַפִּיר, וְאֶבֶן סַפִּיר דּוֹמָה לְכִסֵּא הַכָּבוֹד, דִּכְתִיב: ״וַיִּרְאוּ אֵת אֱלֹהֵי יִשְׂרָאֵל וְתַחַת רַגְלָיו״ וְגוֹ׳, וּכְתִיב: ״כְּמַרְאֵה אֶבֶן סַפִּיר דְּמוּת כִּסֵּא״.

The Gemara answers: **As it is taught** in a *baraita* that **Rabbi Meir would say: What is different about sky-blue from all other colors** such that it was specified for the mitzva of ritual fringes? It is **because sky-blue** dye **is similar** in its color **to the sea,**[B] **and the sea is similar to the sky, and the sky is similar to** a sapphire stone, and a sapphire stone is similar to **the Throne of Glory, as it is stated: "And they saw the God of Israel; and there was under His feet** the like of a paved work of sapphire stone, and the like of the very heaven for clearness" (Exodus 24:10). This verse shows that the heavens are similar to sapphire, **and it is written:** "And above the firmament that was over their heads was **the likeness of a throne, as the appearance of a sapphire stone"** (Ezekiel 1:26). Therefore, the throne is similar to the heavens. The color of sky blue dye acts as an indication of the bond between the Jewish people and the Divine Presence.

אָמַר רַבִּי אַבָּא: קָשֶׁה גָּזֵל הַנֶּאֱכָל, שֶׁאֲפִילּוּ צַדִּיקִים גְּמוּרִים אֵינָן יְכוֹלִין לְהַחֲזִירוֹ, שֶׁנֶּאֱמַר: ״בִּלְעֲדֵי רַק אֲשֶׁר אָכְלוּ הַנְּעָרִים״.

The Gemara above mentioned that Abraham refused to accept property that did not belong to him. With regard to this, **Rabbi Abba says: Difficult** is the return of **theft that has been consumed, as even** the **perfectly righteous are unable to return it, as it is stated:** "That I will not take a thread nor a shoe strap nor anything that is yours… **except only that which the young men have eaten with me"** (Genesis 14:23–24). Even the righteous Abraham was unable to return that which the young men had already consumed.

אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא דִּבְרֵיהֶן שֶׁל רַבִּי אֱלִיעֶזֶר בְּנוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי בְּהַגָּדָה – עֲשֵׂה אָזְנְךָ כַּאֲפַרְכֶּסֶת; ״לֹא מֵרֻבְּכֶם מִכָּל הָעַמִּים חָשַׁק ה׳ בָּכֶם״ וְגוֹ׳, אָמַר לָהֶם הַקָּדוֹשׁ בָּרוּךְ הוּא לְיִשְׂרָאֵל: חוֹשֵׁקְנִי בָּכֶם, שֶׁאֲפִילּוּ בְּשָׁעָה שֶׁאֲנִי מַשְׁפִּיעַ לָכֶם גְּדוּלָּה – אַתֶּם מְמַעֲטִין עַצְמְכֶם לְפָנַי;

§ **Rabbi Yoḥanan says in the name of Rabbi Elazar, son of Rabbi Shimon: Any place where you find the statements of Rabbi Eliezer, son of Rabbi Yosei HaGelili, in** reference to **aggada, make your ears like a funnel** [*ka'afarkeset*],[L] i.e., be receptive to his words. As Rabbi Eliezer interpreted the verse: **"Not because you are more in number than any people did the Lord desire you** and choose you, for you were the fewest of all peoples" (Deuteronomy 7:7), as follows: **The Holy One, Blessed be He, said to the Jewish people: I desire you, since even at a time that I bestow greatness** upon **you, you diminish,** i.e., humble, **yourselves before Me.**

BACKGROUND

Sky-blue dye is similar in its color to the sea – תְּכֵלֶת דּוֹמָה לְיָם: The precise identification of *tekhelet* is uncertain, as there is no clear tradition with regard to the sky-blue wool used in the time of the Sages, and the language used to refer to various hues shifts over the years. The descriptions of sky-blue dye mentioned in this Gemara are also somewhat ambiguous, since the sky and the sea contain various hues depending on season and time of day. Moreover, there are several statements of the Sages indicating that sky-blue wool resembles leek-green or the color of grass.

There are a number of identifications of sky-blue in the early commentaries. Rav Se'adya Gaon and the Rambam hold that it is the color of a clear sky, namely light blue. Rashi understands it to refer to a shade of green, or possibly turquoise. Rabbi Moshe HaDarshan holds that it refers to the color of the sky when it darkens toward the end of the day. According to this it would be closer to purple. A similar range of opinions can be found among modern researchers.

Another approach to identifying sky-blue is through inference, based on the fact that its color is known to be very similar to indigo. Based on this, it would seem that sky-blue is a deep, dark blue.

LANGUAGE

Funnel [*afarkeset*] – אֲפַרְכֶּסֶת: Afarkas refers to a funnel-like vessel through which grain passes into the gap of the two millstones. Mills were often made of a cone-shaped stationary bed stone, which protruded upward into a hollow, hourglass-shaped runner stone. The grain would be poured into the runner stone and funneled through the top half to its midpoint, below which it would be trapped and ground between the two stones. Poles were inserted into the runner stone by means of which people or donkeys would rotate it, grinding the grain between it and the stationary bed stone. Some postulate that the root of the word is from the Greek **πρόχοος**, *prochoos*, referring to a vessel for pouring out, or a jug.



Roman mill

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NOTES

He said, come let us build a city – אָמַר הָבָה נִבְנֶה לָּנוּ עִיר: These words were stated by the generation of the dispersion upon finding a valley in the land of Shinar and settling there (see Genesis 11:1–9). With regard to Nimrod himself, the verse states: "He was a mighty hunter before the Lord" (Genesis 10:9), which the Sages understood as a reference to the fact that he incited the people of his generation to rebel against God. The verse also states of Nimrod: "And the beginning of his kingdom was Babel, and Erech, and Accad, and Calneh, in the land of Shinar" (Genesis 10:10). The Sages concluded from this that Nimrod was the king of Shinar during the generation of the dispersion.

He said, I will ascend above the heights of the clouds – אָמַר אֶעֱלֶה עַל בָּמָתֵי עָב: This verse was stated by Isaiah in his prophecy of the Babylonian king's impending doom. According to the Sages, Isaiah refers specifically to Nebuchadnezzar, whose hubris was well known, as recorded in the book of Daniel.

HALAKHA

One may cover with the dust of an idolatrous city – מְכַסִּין בַּעֲפַר עִיר הַנִּדַּחַת: One can perform the mitzva of covering the blood of a slaughtered undomesticated animal or a bird using the dust of an idolatrous city (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:13).

BACKGROUND

Idolatrous city – עִיר הַנִּדַּחַת: The Torah (see Deuteronomy 13:13–19) discusses the unique *halakha* of a city where the majority of inhabitants are guilty of idolatry. The city is judged by the Great Sanhedrin, the court of seventy-one, which is authorized to send an army to subdue the city if necessary. Afterward, courts are convened and each of the city's adult inhabitants is judged. Those found guilty of idol worship are beheaded rather than stoned, the usual penalty for idolatry. The innocent are not slain. All the property in the city, including the property of the righteous, is destroyed, and all its buildings are razed to the ground. The city must remain in ruins forever.

נָתַתִּי גְּדוּלָּה לְאַבְרָהָם – אָמַר לְפָנַי: ״וְאָנֹכִי עָפָר וָאֵפֶר״, לְמֹשֶׁה וְאַהֲרֹן – אָמַר: ״וְנַחְנוּ מָה״, לְדָוִד – אָמַר: ״וְאָנֹכִי תוֹלַעַת וְלֹא אִישׁ״.

I granted greatness to Abraham, yet **he said before Me: "And I am but dust and ashes"** (Genesis 18:27). I granted greatness **to Moses and Aaron,** yet Moses **said** of the two of them: **"And what are we"** (Exodus 16:7). I granted greatness **to David,** yet **he said: "But I am a worm, and no man"** (Psalms 22:7).

אֲבָל אוּמּוֹת הָעוֹלָם אֵינָן כֵּן, נָתַתִּי גְּדוּלָּה לְנִמְרוֹד – אָמַר: ״הָבָה נִבְנֶה לָּנוּ עִיר״, לְפַרְעֹה – אָמַר: ״מִי ה׳״, לְסַנְחֵרִיב – אָמַר: ״מִי בְכָל אֱלֹהֵי הָאֲרָצוֹת״ וְגוֹ׳, לְנְבוּכַדְנֶצַּר – אָמַר: ״אֶעֱלֶה עַל בָּמֳתֵי עָב״, לְחִירָם מֶלֶךְ צוֹר – אָמַר: ״מוֹשַׁב אֱלֹהִים יָשַׁבְתִּי בְּלֵב יַמִּים״.

But the gentile **nations of the world are not so. I granted greatness to Nimrod,** yet **he said: "Come, let us build a city**[N] and a tower, with its top in heaven, and let us make for ourselves a name" (Genesis 11:4). I granted greatness **to Pharaoh,** yet **he said: "Who is the Lord"** (Exodus 5:2). I granted greatness **to Sennacherib,** yet he said: **"Who are they among all the gods of the countries** that have delivered their country out of my hand, that the Lord should deliver Jerusalem out of my hand" (II Kings 18:35). I granted greatness **to Nebuchadnezzar,** yet **he said: "I will ascend above the heights of the clouds"** (Isaiah 14:14).[N] I granted greatness **to Ḥiram, king of Tyre,** yet **he said: "I sit in the seat of God, in the heart of the seas"** (Ezekiel 28:2).

אָמַר רָבָא, וְאִיתֵימָא רַבִּי יוֹחָנָן: גָּדוֹל שֶׁנֶּאֱמַר בְּמֹשֶׁה וְאַהֲרֹן יוֹתֵר מִמַּה שֶׁנֶּאֱמַר בְּאַבְרָהָם, דְּאִילּוּ בְּאַבְרָהָם כְּתִיב: ״וְאָנֹכִי עָפָר וָאֵפֶר״, וְאִילּוּ בְּמֹשֶׁה וְאַהֲרֹן כְּתִיב: ״וְנַחְנוּ מָה״. וְאָמַר רָבָא, וְאִיתֵימָא רַבִּי יוֹחָנָן: אֵין הָעוֹלָם מִתְקַיֵּים אֶלָּא בִּשְׁבִיל מֹשֶׁה וְאַהֲרֹן, כְּתִיב הָכָא: ״וְנַחְנוּ מָה״, וּכְתִיב הָתָם: ״תּוֹלֶה אֶרֶץ עַל בְּלִימָה״.

The Gemara relates: **Rava says, and some say Rabbi Yoḥanan** says: **Greater** is **that** which **is stated with regard to Moses and Aaron than that** which **is stated with regard to Abraham. As with regard to Abraham it is written: "And I am but dust and ashes," while with regard to Moses and Aaron it is written: "And what are we,"** i.e., we are not even dust and ashes. **And Rava says, and some say Rabbi Yoḥanan** says: **The world endures only in the merit of Moses and Aaron. It is written here: "And what are we," and it written elsewhere: "He hangs the earth upon nothing"** (Job 26:7). That is, the earth endures in the merit of those who said of themselves that they are nothing, i.e., Moses and Aaron.

אָמַר רַבִּי אֵילָעָא: אֵין הָעוֹלָם מִתְקַיֵּים אֶלָּא בִּשְׁבִיל מִי שֶׁבּוֹלֵם אֶת עַצְמוֹ בִּשְׁעַת מְרִיבָה, שֶׁנֶּאֱמַר: ״תּוֹלֶה אֶרֶץ עַל בְּלִימָה״. רַבִּי אַבָּהוּ אָמַר: מִי שֶׁמַּשִּׁים עַצְמוֹ כְּמִי שֶׁאֵינוֹ, שֶׁנֶּאֱמַר: ״וּמִתַּחַת זְרוֹעוֹת עוֹלָם״.

With regard to that verse, **Rabbi Ile'a says: The world endures only in the merit of one who restrains** [*shebolem*] **himself during a quarrel, as it is stated: "He hangs the earth upon nothing** [*belima*]**. Rabbi Abbahu says:** The world endures only in the merit of **one who renders himself as if he were non-existent, as it is stated: "And underneath are the everlasting arms"** (Deuteronomy 33:27), i.e., one who considers himself to be underneath everything else is the everlasting arm that upholds the world.

אָמַר רַבִּי יִצְחָק: מַאי דִּכְתִיב ״הַאָמְנָם אֵלֶּם צֶדֶק תְּדַבְּרוּן מֵישָׁרִים תִּשְׁפְּטוּ בְּנֵי אָדָם״? מָה אוּמָּנוּתוֹ שֶׁל אָדָם בָּעוֹלָם הַזֶּה – יָשִׁים עַצְמוֹ כְּאִלֵּם; יָכוֹל אַף לְדִבְרֵי תוֹרָה? תַּלְמוּד לוֹמַר: ״צֶדֶק תְּדַבֵּרוּן״; יָכוֹל יָגִיס דַּעְתּוֹ? תַּלְמוּד לוֹמַר: ״מֵישָׁרִים תִּשְׁפְּטוּ בְּנֵי אָדָם״.

Rabbi Yitzḥak says: What is the meaning of that **which is written: "Do you indeed** [*ha'umnam*] **speak as a righteous company** [*elem*]**? Do you judge with equity** [*meisharim*] **the sons of men"** (Psalms 58:2)? The verse is interpreted as follows: **What** should be **a person's occupation** [*umanut*] **in this world? He should render himself** silent **as a mute** [*ilem*]. If so, one **might** have thought that he should render himself as a mute **even with regard to words of Torah.** Therefore, **the verse states: "Speak as a righteous** company," indicating that one should speak the righteous words of Torah. If so, he **might** have thought that one who speaks words of Torah has the right to **become arrogant.** Therefore, **the verse states: "Judge with equity** [*meisharim*] **the sons of men."** Even a learned judge must take extra care to judge with equity, and not assume that he will immediately arrive at the correct understanding.

אָמַר רַבִּי זְעִירָא וְאִיתֵימָא רַבָּה בַּר יִרְמְיָה: מְכַסִּין בַּעֲפַר עִיר הַנִּדַּחַת. וְאַמַּאי? אִיסּוּרֵי הֲנָאָה הוּא!

§ The Gemara returns to discuss the mitzva of covering the blood: **Rabbi Zeira says, and some say Rabba bar Yirmeya** says: **One may cover** the blood of an undomesticated animal or a bird **with the dust of an idolatrous city.**[HB] The Torah states that the city and anything contained therein must be burned (see Deuteronomy 13:17). The Gemara, assuming the statement of Rabbi Zeira refers to the ashes of a burned idolatrous city, asks: **But why** may one use these ashes to cover the blood? **These** ashes **are items from which** deriving **benefit is prohibited,** as the verse states: "And there shall cleave none of the banned property to your hand" (Deuteronomy 13:18).

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אָמַר זְעֵירִי: לָא נִצְרְכָה אֶלָּא לַעֲפַר עֲפָרָהּ, דִּכְתִיב: ״וְאֶת כָּל שְׁלָלָהּ תִּקְבֹּץ אֶל תּוֹךְ רְחֹבָהּ וְשָׂרַפְתָּ״ – מִי שֶׁאֵינוֹ מְחוּפָּר אֶלָּא קְבִיעָה וּשְׂרֵפָה, יָצָא זֶה שֶׁמְּחוּפָּר תְּלִישָׁה קְבִיעָה וּשְׂרֵפָה.

Ze'eiri said: Rabbi Zeira is not referring to the ashes of the burned city, which may not be used. Rather, his statement is **necessary only concerning the dust of its dust,** i.e., the dust of the ground of the idolatrous city, from which deriving benefit is not prohibited, **as it is written: "And you shall gather all its spoil into the midst of the broad place thereof, and shall burn** with fire the city" (Deuteronomy 13:17). Accordingly, items **lacking only** the acts of **gathering and burning** must be burned. This serves to exclude **this** dust of the ground, **which lacks** the acts of **removal** from the ground, **gathering, and burning.** The dust must also be removed from the ground before it can be gathered and burned.

וְרָבָא אָמַר: מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ.

And Rava says: One can even use the ashes from the idolatrous city to cover the blood, despite the fact that it is prohibited to derive any benefit from them. This is because **mitzvot were not given for benefit,** that is, the fulfillment of a mitzva is not considered deriving benefit, but the fulfillment of a divine decree.

יְתִיב רָבִינָא וְקָאָמַר לָהּ לְהָא שְׁמַעְתָּא. אֵיתִיבֵיהּ רַב רְחוּמִי לְרָבִינָא: שׁוֹפָר שֶׁל עֲבוֹדָה זָרָה לֹא יִתְקַע בּוֹ; מַאי לָאו, אִם תָּקַע לֹא יָצָא? לָא, אִם תָּקַע יָצָא.

The Gemara relates that **Ravina was sitting and saying this *halakha*,** that one may use the ashes of an idolatrous city to cover the blood. **Rav Reḥumi raised an objection to Ravina** from a *baraita*: With regard to **a shofar of idol worship,**[H] from which it is prohibited to derive benefit, **one may not blow with it. What, is it not** that the *baraita* means to say that **if one blew** with it **he has not fulfilled** his obligation? The Gemara responds: **No,** the *baraita* means that one should not use such a shofar *ab initio*, but **if one blew** with it **he has fulfilled** his obligation.

לוּלָב שֶׁל עֲבוֹדָה זָרָה לֹא יִטּוֹל; מַאי לָאו, אִם נָטַל לֹא יָצָא? לָא, אִם נָטַל יָצָא. וְהָתַנְיָא: תָּקַע – לֹא יָצָא, נָטַל – לֹא יָצָא!

Rav Reḥumi persists: It is taught in another *baraita* that with regard to a ***lulav* of idol worship,**[H] **one may not take** it to perform the mitzva. **What, is it not** that the *baraita* means to say that **if one took** such a *lulav* he has **not fulfilled** his obligation? The Gemara responds: **No,** the *baraita* means that one should not use such a *lulav ab initio*, but **if one took** it **he has fulfilled** his obligation. The Gemara asks: **But isn't it taught** in a *baraita* that if **one blew** a shofar of idolatry **he has not fulfilled** his obligation? And isn't it taught in another *baraita* that if **one took** a *lulav* of idolatry to perform the mitzva **he has not fulfilled** his obligation?

אָמַר רַב אַשִׁי: הָכִי הָשְׁתָּא? הָתָם

Rav Ashi said in response: **How can** these cases **be compared** to the case of covering the blood? **There,** with regard to a shofar and *lulav* of idol worship, although the use of such items for a mitzva does not constitute benefit, one cannot fulfill his obligation with them, because

Perek **VI**
Daf **89** Amud **b**

שִׁיעוּרָא בָּעֵינַן, וַעֲבוֹדָה זָרָה כַּתּוּתֵי מְכַתַּת שִׁיעוּרָא, הָכָא – כָּל מַה דְּמִכַּתַּת מְעַלֵּי לְכִסּוּי.

we require a minimum **measure** in order to fulfill these mitzvot. A shofar must be large enough that, when grasped, part of it protrudes from both sides of one's hand, and a *lulav* must be at least four handbreadths long. **And** since an object of **idol worship** and its effects must be burned, **its size** as required for the mitzva **is seen** by *halakha* **as crushed** into powder. Since a *shofar* or *lulav* of idol worship is destined for burning, it is considered as if it is already burned, and it therefore lacks the requisite measurement for fulfilling the mitzva. By contrast, **here,** with regard to the ashes used to perform the mitzva of covering the blood, no minimum measure is required to fulfill the mitzva; in fact, **the more** the ash **is crushed, the better it is for** the mitzva of **covering** the blood.

הדרן עלך כסוי הדם

HALAKHA

A shofar of idol worship – שׁוֹפָר שֶׁל עֲבוֹדָה זָרָה: If one blew a shofar owned by a Jew which had previously been the object of idol worship he has not fulfilled his obligation. The reasoning behind this is the following: Since its status as an object of idol worship can never be nullified, the shofar is therefore considered as if it were already non-existent because, like all objects of idol worship, it is inevitably destined to be burned.

The *halakha* differs concerning a shofar owned by a gentile which had previously been the object of idol worship. A Jew may not blow such a shofar *ab initio*, and he may not blow a shofar that served as an accoutrement of an idol owned by a gentile. But if he did so he has fulfilled his obligation, provided he had no intention of acquiring the shofar. If the Jew blowing the shofar had intention of acquiring it he has not fulfilled his obligation, since by acquiring the shofar it becomes a Jew's idol.

The Mordekhai maintains a stricter opinion and says that even in the case where the Jew had no intention of acquiring the gentile-owned shofar, he fulfills his obligation only if the status of the object of idol worship was nullified before the arrival of Rosh HaShana (Rambam *Sefer Zemanim*, *Hilkhot Shofar VeSukka VeLulav* 1:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 586:3).

A *lulav* of idol worship – לוּלָב שֶׁל עֲבוֹדָה זָרָה: A *lulav*, or any other of the four species brought on the festival of *Sukkot*, that is from an idolatrous city or from a tree used as part of idolatrous rites that belongs to a Jew, is not valid for being used for the mitzva. If the *lulav* belongs to a gentile it should not be used *ab initio*, but if one did use it for the mitzva he has fulfilled his obligation, provided he had no intention of acquiring it (Rambam *Sefer Zemanim*, *Hilkhot Shofar VeSukka VeLulav* 8:1; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 649:3).

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Summary of **Perek VI**

This chapter dealt primarily with the *halakhot* concerning the mitzva of covering the blood of a slaughtered undomesticated animal or bird, based on careful analysis of the relevant verse (Leviticus 17:13).

The mitzva to cover the blood applies both within Eretz Yisrael and outside it, and is in effect independent of the existence of the Temple. As stated in the Torah, the mitzva of covering the blood applies only to the blood of birds and undomesticated animals. Additionally, only non-sacred animals or birds are included in the mitzva, either because it is impossible to properly cover the blood upon the altar or due to the fact that the verse limits the mitzva to undomesticated animals, which cannot be brought as offerings.

An undomesticated animal and a bird are counted together as one unit with regard to the mitzva of covering their blood. That is to say, if one slaughtered both an undomesticated animal and a bird, he may cover all the blood together, just as he would cover the blood of multiple undomesticated animals together.

Although the verse mentions the obligation to cover the blood in a case where one traps the animal or bird, the Gemara derives that the obligation applies even in a case where one slaughters undomesticated animals or birds that were not trapped. Nevertheless, the Sages interpreted the verse as an injunction with regard to the proper consumption of meat, i.e., meat should be consumed only after one exerts himself to obtain the animal, and meat should not be readily available in one's home. The mention of this *halakha* leads to a further digression in which the Gemara discusses financial management and suggests the proper manner in which one should support his family.

The mitzva of covering the blood applies only to the blood that was spilled due to slaughter, not to blood that was spilled due to another form of killing. Additionally, the mitzva applies only in the case of an act of slaughter that permits the meat for consumption. If one slaughtered an undomesticated animal or a bird and found it to be a *tereifa*, or if one slaughtered an undomesticated animal or a bird for the purpose of idol-worship, one is not required to cover the blood. The early commentaries explain that the mitzva of covering the blood is part of the mitzva of ritual slaughter and is therefore applicable only if the slaughter itself is valid.

The mitzva of covering the blood is primarily incumbent upon the one slaughtering the animal. If he did not cover the blood, the obligation falls upon any bystander who notices the uncovered blood. Due to this discussion, the Gemara briefly discusses an individual's rights with regard to the performance of a mitzva and the penalty incurred by one who prevents another from performing that mitzva.

If, after properly covering the blood, it subsequently becomes uncovered, one is

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exempt from covering the blood a second time. But if the blood was initially covered by earth blown by the wind, although one is not required to cover the blood so long as it remains covered, should the blood become uncovered he must cover it. This is in accordance with the principle that there is no rejection with regard to mitzvot.

With regard to the question of which blood must be covered, the Gemara concluded that the obligation is to cover the blood of the soul, which includes blood that spurts from the area where the slaughter is performed as well as blood remaining on the slaughtering knife. One is not required to cover all the blood.

In cases where the blood became mixed with water or another liquid, if the mixture is such that it still maintains the appearance of blood, one is obligated to cover the mixture. In light of this *halakha*, the Gemara also discusses the characteristics necessary to define a liquid as blood, as well as the status of blood plasma. The Gemara concludes that if the plasma maintains a reddish hue, it is considered actual blood with all the halakhic ramifications.

With regard to the manner of covering the blood, the Gemara concludes that one must cover the blood from above and below, and that simply covering it from above is insufficient. One should cover the blood using his hand or the slaughtering knife, but not with his foot, so that the mitzva will not become contemptible to him.

The Gemara also concludes that the verse does not require specifically the use of earth to cover the blood. Rather, one may use any substance that, like earth, is finely crushed and allows for the growth of plants inside it. One may not cover the blood with a vessel, nor may he use thick substances. Also, any powder produced from ground metals may not be used for the mitzva except that produced from ground gold, to which the Gemara attributes a unique status.

Unlike some mitzvot, with regard to which one may not perform them using a substance from which he is prohibited to derive benefit, with regard to the mitzva of covering the blood, he is permitted to cover it with a substance from which he is prohibited to derive benefit. This is in accordance with the principle that mitzvot were not given for benefit; rather, their performance is meant solely to fulfill a divine decree.

These were the primary topics discussed in the chapter. Other topics were discussed tangentially, e.g., the *halakha* of an ineffective slaughter, aggadic accounts and lessons with regard to one's income, and the mitzvot gained in the merit of our forefather Abraham.

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Introduction to **Perek VII**

Therefore the children of Israel eat not the sciatic nerve that is upon the spoon of the thigh, until this day; because he touched the hollow of Jacob's thigh, on the sciatic nerve.

(Genesis 32:33)

This verse teaches the prohibition of eating the sciatic nerve. Yet, unlike almost all other mitzvot written in the Torah, this prohibition is not stated clearly as an instruction to Moses but is mentioned in the context of events that occurred long before the Torah was given on Mount Sinai. For this reason, there are many practical questions that arise about this topic.

Some of the questions raised in this chapter with regard to the prohibition of eating the sciatic nerve include: Does this prohibition apply with regard to all living creatures or only to some of them? Does it apply to non-kosher species of animals? Does it apply to the nerve in only one thigh or to the nerves in both thighs? Does this prohibition apply with regard to consecrated animals? Does it apply only in Eretz Yisrael or also in the Diaspora?

Although the verse specifies that a nerve in the thigh is forbidden, it is not clear from the verse precisely which nerve it is. The Gemara therefore seeks to clarify exactly which nerve this is and whether the entire length of the nerve is forbidden or just a part of it.

The Gemara also discusses the practicalities of removing this nerve from the thigh. How must it be removed? Is it just the nerve that must be removed, or must one remove some of the surrounding flesh?

Another type of practical issue that is discussed in this chapter pertains to interactions between Jews and gentiles. In a location where all animals are slaughtered only by Jews, and the butchers publicize when they sell a *tereifa* to a gentile, a Jew may purchase raw meat from a gentile. The Gemara explores whether in such a case a Jew may send a whole animal thigh to a gentile as a gift, or whether he must be concerned that the gentile may then sell it to a Jew without removing the sciatic nerve.

Other issues discussed include whether the sciatic nerve has the status of meat or whether it is considered inedible. This question has important ramifications with regard to principles governing mixtures of forbidden and permitted substances, as well as whether the sciatic nerve imparts forbidden flavor to the thigh if it is not removed before the thigh is cooked. These questions and related topics form the basis of the material discussed in this chapter.

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מתני׳ גִּיד הַנָּשֶׁה נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בְּחוּלִּין וּבְמוּקְדָּשִׁין, וְנוֹהֵג בַּבְּהֵמָה וּבַחַיָּה, בִּיֶּרֶךְ שֶׁל יָמִין וּבִיֶּרֶךְ שֶׁל שְׂמֹאל, וְאֵינוֹ נוֹהֵג בָּעוֹף – מִפְּנֵי שֶׁאֵין לוֹ כַּף.

MISHNA

The prohibition of eating **the sciatic nerve**[B] **applies** both **in Eretz** Yisrael **and outside of Eretz** Yisrael, **in the presence of,** i.e., the time of, **the Temple and not in the presence of the Temple,**[H] and **with regard to non-sacred** animals **and with regard to sacrificial** animals. **And it applies to domesticated animals and to undomesticated animals,**[H] **to** the **thigh of the right** leg **and to** the **thigh of the left** leg.[H] **But it does not apply to a bird, due to** the fact **that** the verse makes reference to the sciatic nerve as being "upon the spoon of the thigh" (Genesis 32:33), and a bird **has no spoon** of the thigh.

וְנוֹהֵג בַּשָּׁלִיל. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ נוֹהֵג בַּשָּׁלִיל וְחֶלְבּוֹ מוּתָּר.

And the prohibition **applies to** a late-term animal **fetus** [***shalil***][HN] in the womb. **Rabbi Yehuda says: It does not apply to a fetus; and** similarly, **its fat is permitted.**[H]

וְאֵין הַטַּבָּחִין נֶאֱמָנִין עַל גִּיד הַנָּשֶׁה, דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים: נֶאֱמָנִין עָלָיו, וְעַל הַחֵלֶב.

And butchers are not deemed credible to say that **the sciatic nerve** was removed; this is **the statement of Rabbi Meir. And the Rabbis say: They are deemed credible about** the sciatic nerve[H] **and about the** forbidden **fat.**

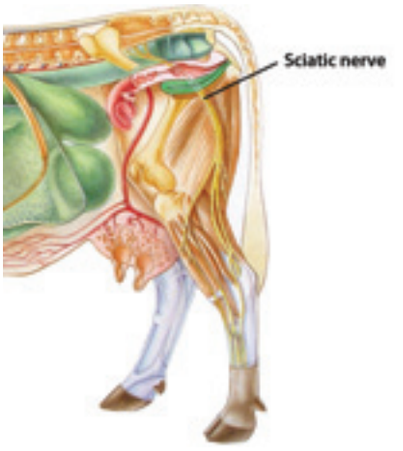
גמ׳ מוּקְדָּשִׁין, פְּשִׁיטָא! מִשּׁוּם דְּאַקְדְּשֵׁיהּ פָּקַע לֵיהּ אִיסּוּר גִּיד מִינֵּיהּ?

GEMARA

The mishna teaches that the prohibition of eating the sciatic nerve applies to both non-sacred animals and sacrificial animals. The Gemara asks: Is it not **obvious** that the prohibition applies to **sacrificial** animals? Would it be reasonable to suggest that **because one consecrated it, he has abrogated the prohibition of** eating the sciatic **nerve from it?**

BACKGROUND

Sciatic nerve – גִּיד הַנָּשֶׁה: The sciatic nerve, *Nervus ischiadicus*, is a large nerve that emerges from the sacral part of the spinal cord and travels down the length of the thigh until the calf. This nerve transmits messages from the brain to the leg, and sends sensory information back from the leg to the brain.



Hindquarters of a cow

HALAKHA

In Eretz Yisrael and outside of Eretz Yisrael, in the presence of the Temple and not in the presence of the Temple – בָּאָרֶץ וּבְחוּצָה לָאָרֶץ בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת: The prohibition of eating the sciatic nerve applies both in Eretz Yisrael and outside of Eretz Yisrael, and applies both when the Temple was standing and after its destruction, in accordance with the ruling of the mishna. Although the Rambam does not specify these details, the commentaries explain that there was no need for him to specify them, since the prohibition of eating the sciatic nerve is an obligation that applies to the individual, and all mitzvot that apply to the individual apply in all places and at all times (*Maggid Mishne* on Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1).

And it applies to domesticated animals and to undomesticated animals – וְנוֹהֵג בַּבְּהֵמָה וּבַחַיָּה: The prohibition of the sciatic nerve applies to both domesticated and undomesticated animals, and applies even if they do not have a rounded protrusion on their thigh bone (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 65:5).

To the thigh of the right leg and to the thigh of the left leg – בִּיֶּרֶךְ שֶׁל יָמִין וּבִיֶּרֶךְ שֶׁל שְׂמֹאל: The sciatic nerves of both the right and left thighs are forbidden, in accordance with the ruling of the mishna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 65:5).

And it applies to a late-term fetus – וְנוֹהֵג בַּשָּׁלִיל: The sciatic nerve of a fetus is not forbidden, because a fetus does not require slaughter, in accordance with the opinion of Rabbi Yehuda. Some say that if the fetus is fully formed and alive, its sciatic nerve is forbidden, in accordance with the opinion of the first *tanna*. The Rema rules that the custom is to be stringent like the latter opinion, based on a tradition from Rabbi Yaakov ibn Ḥaviv (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 65:7).

Its fat is permitted – חֶלְבּוֹ מוּתָּר: If one slaughters an animal and finds a fetus inside, even one that is fully formed, whether it is alive or dead the fat and sciatic nerve of that fetus are permitted. This ruling applies only if the animal has not walked on the ground. If it has walked on the ground, its fat and sciatic nerve are forbidden. Some say that if the fetus is fully formed and alive, even if it has not walked on the ground, its fat is forbidden, and one who eats it is liable to receive *karet* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:3; *Shulḥan Arukh*, *Yoreh De'a* 64:2).

They are deemed credible about the sciatic nerve – נֶאֱמָנִין עָלָיו: Butchers are deemed credible to say that they have removed the sciatic nerve from the animal. Nevertheless, one may not purchase meat from a butcher who slaughters and sells without supervision unless he has a presumptive status of trustworthiness, in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:21, 8:7; *Shulḥan Arukh*, *Yoreh De'a* 65:14).

NOTES

And it applies to a fetus [*shalil*] – וְנוֹהֵג בַּשָּׁלִיל: The early commentaries disagree as to the meaning of the term *shalil*. Rashi explains, based on the opinion of Rabbi Elazar on 74b citing Rabbi Oshaya, that it is referring to a full-term fetus that is alive inside the slaughtered mother. Other commentaries understand the Rambam (*Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1) as saying that the fetus referred to here is not fully formed and is not necessarily full term, although the *Shulḥan Arukh* (*Yoreh De'a* 65:7) interprets the Rambam otherwise (see Rambam's Commentary on the Mishna; see *Meromei Sadeh*).

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וְכִי תֵּימָא: יֵשׁ בַּגִּידִין בְּנוֹתֵן טַעַם, וְאָתֵי אִיסּוּר מוּקְדָּשִׁין וְחָיֵיל אַאִיסּוּר גִּיד, הַאי ״מִיקְּדָשִׁין נוֹהֵג בַּגִּיד״ מִיבָּעֵי לֵיהּ! אֶלָּא קָסָבַר: אֵין בַּגִּידִין בְּנוֹתֵן טַעַם, וּבְמוּקְדָּשִׁין, אִיסּוּר גִּיד – אִיכָּא, אִיסּוּר מוּקְדָּשִׁין – לֵיכָּא.

And if you would say that sciatic **nerves have** the ability to **impart flavor,**[N] i.e., they possess flavor, **and** the mishna is teaching that **the prohibition of** eating meat of **sacrificial** animals **comes and takes effect upon** the sciatic nerve despite the fact that it is already subject to the **prohibition of** eating the sciatic **nerve,** the mishna **should have** stated: The prohibition of eating meat of **sacrificial** animals **applies to the** sciatic **nerve.** The Gemara suggests: **Rather,** the *tanna* of the mishna **holds** that the sciatic **nerve does not have** the ability to **impart flavor,**[N] **and** the mishna is teaching that **with regard to sacrificial** animals **there is a prohibition** of eating the sciatic **nerve** but **there is no** additional **prohibition** of eating the meat of **a sacrificial** animal.

וְכִי תֵּימָא דִּידָן אֵין בַּגִּידִין בְּנוֹתֵן טַעַם? וְהָתְנַן: יֶרֶךְ שֶׁנִּתְבַּשֵּׁל בָּהּ גִּיד הַנָּשָׁה, אִם יֵשׁ בָּהּ בְּנוֹתֵן טַעַם – הֲרֵי זוֹ אֲסוּרָה!

The Gemara challenges this explanation: **And** does **the *tanna* of our** mishna **hold** that the sciatic **nerve does not have** the ability to **impart flavor? But didn't we learn** in a mishna (96b): In the case of **a thigh that was cooked** with **the sciatic nerve in it, if there is** enough of the sciatic nerve **in** the thigh to **impart** its **flavor** to the meat, the entire thigh **is forbidden?** Consequently, it is clear that the *tanna* of the mishna holds that the sciatic nerve does possess flavor.

אֶלָּא, הָכָא בִּוולְדוֹת קָדָשִׁים עָסְקִינַן, וְקָסָבַר: נוֹהֵג בַּשָּׁלִיל, וְקָסָבַר: וַלְדוֹת קָדָשִׁים בִּמְעֵי אִמָּן הֵן קְדוֹשִׁים, דְּאִיסּוּר גִּיד וְאִיסּוּר מוּקְדָּשִׁין בַּהֲדֵי הֲדָדֵי קָאָתֵי.

Rather, in the mishna **here we are dealing with offspring of sacrificial** animals. **And** the *tanna* **holds** that the prohibition of eating the sciatic nerve **applies with regard to a fetus, and** he also **holds** that the **offspring of sacrificial** animals **are consecrated** even while they are **in the womb of their mother.** Consequently, the **prohibition of** eating the sciatic **nerve and the prohibition of** eating **sacrificial** animals **come** into effect **at the same time,** and therefore both prohibitions apply and one does not say that a prohibition does not take effect where another prohibition already exists.

וּמִי מָצֵית מוֹקְמַת לָהּ בַּשָּׁלִיל, וְהָא מִדְּקָתָנֵי סֵיפָא ״נוֹהֵג בַּשָּׁלִיל״, מִכְּלָל דִּרֵישָׁא לָאו בַּשָּׁלִיל עָסְקִינַן! הָכִי קָאָמַר: דָּבָר זֶה מַחֲלוֹקֶת דְּרַבִּי יְהוּדָה וְרַבָּנַן.

The Gemara challenges this explanation: **Can you interpret** this clause of the mishna as referring **to a fetus? From** the fact **that the latter clause teaches: It applies to** a late-term **fetus,** and Rabbi Yehuda holds that it does not apply to a late-term fetus, **it may be inferred that** in **the first** clause **we are not dealing with a fetus.** The Gemara explains: **This** is what the *tanna* of the mishna **is saying: This matter** that was taught in the first clause **is** a matter of **dispute** between **Rabbi Yehuda and the Rabbis.**

וּמִי מָצֵית אָמַרְתְּ דְּתַרְוַיְיהוּ בַּהֲדֵי הֲדֵי קָאָתוּ? וְהָתְנַן, עַל אֵלּוּ טוּמְאוֹת הַנָּזִיר מִגַּלֵּחַ: עַל הַמֵּת וְעַל כַּזַּיִת מִן הַמֵּת.

The Gemara again challenges the explanation that the first clause of the mishna is referring to a fetus: **And how can you say that both** prohibitions **come** into effect **at the same time? But didn't we learn** in a mishna (*Nazir* 49b): **A nazirite shaves for** having become impure from **these** sources of **ritual impurity: For** impurity imparted by **a corpse and for** impurity imparted by **an olive-bulk of a corpse.**[H]

וְקַשְׁיָא לָךְ: עַל כַּזַּיִת מִן הַמֵּת מְגַלֵּחַ, עַל כּוּלּוֹ לֹא כָּל שֶׁכֵּן? וְאָמַר רַבִּי יוֹחָנָן: לֹא נִצְרְכָה אֶלָּא לְנֶפֶל שֶׁלֹּא נִקְשְׁרוּ אֵבָרָיו בַּגִּידִין.

And the clause: For impurity imparted by a corpse, is **difficult for us,** as it seems unnecessary; if a nazirite **must shave for** impurity imparted by **an olive-bulk of a corpse,** is it **not all the more so** true that he must shave **for** impurity imparted by **an entire** corpse? **And Rabbi Yoḥanan says:** It is **necessary only for a miscarried** human **fetus whose limbs had not** yet **become joined to** its **sinews.**[H] Since the spine is complete the fetus is considered a full corpse, but as the limbs have not yet joined to the sinews it does not contain an olive-bulk of flesh.

Perek **VII**
Daf **90** Amud **a**

אַלְמָא: אִיסּוּר מוּקְדָּשִׁין קָדִים!

Evidently, the limbs of the body are formed before the nerves and sinews, and therefore the **prohibition of** eating **sacrificial** animals **precedes** the prohibition of eating the sciatic nerve.

NOTES

And if you would say nerves have the ability to impart flavor, etc. – וְכִי תֵּימָא יֵשׁ בַּגִּידִין בְּנוֹתֵן טַעַם וכו׳: The prohibition of eating the sciatic nerve applies whether or not it possesses flavor. Nevertheless, if the sciatic nerve does not possess flavor, it is not considered meat and is not subject to the prohibition of eating the meat of sacrificial animals. The Gemara here is suggesting that the mishna's statement teaches two points: Nerves possess flavor and are therefore subject to the prohibition of eating sacrificial meat; and this prohibition takes effect with regard to the sciatic nerve despite the fact that the nerve is already subject to a different prohibition (Rashi).

The sciatic nerve does not have the ability to impart flavor – אֵין בַּגִּידִין בְּנוֹתֵן טַעַם: The commentaries question how it is possible for there to be a dispute on this matter, as one could find out by asking a gentile to eat a sciatic nerve and report whether or not it has flavor. The Rashba explains that everyone agrees that it only has a faint flavor. The dispute is with regard to the degree of flavor that confers on the nerve the status of meat.

HALAKHA

A nazirite shaves…for an olive-bulk of a corpse – הַנָּזִיר מְגַלֵּחַ...עַל כַּזַּיִת מִן הַמֵּת: A nazirite shaves his hair if he comes into contact with an olive-bulk of flesh of a corpse (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2).

A miscarried fetus whose limbs had not become joined to its sinews – לְנֶפֶל שֶׁלֹּא נִקְשְׁרוּ אֵבָרָיו בַּגִּידִין: A nazirite must shave his hair if he comes into contact with a dead human fetus, even if its limbs are not connected with sinews, in accordance with Rabbi Yoḥanan's explanation of the mishna in tractate *Nazir* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2).

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אַף עַל גַּב דְּאִיסּוּר מוּקְדָּשִׁין קָדִים, אָתֵי אִיסּוּר גִּיד חָיֵיל עֲלַיְיהוּ, שָׁכֵן אִיסּוּרוֹ נוֹהֵג בִּבְנֵי נֹחַ.

The Gemara answers: **Even though the prohibition of** eating **sacrificial** animals **precedes** the prohibition of eating the sciatic nerve, the **prohibition of** eating the sciatic **nerve comes and takes effect upon** the offspring of consecrated animals, **because** the **prohibition** of eating the sciatic nerve adds an extra stringency in that it **applies** also **to descendants of Noah.**[N] The prohibition of eating the sciatic nerve was in effect from the time Jacob wrestled with the angel (see Genesis 32:25–33), before the Torah was given. At that time, Jacob and his sons had the status of descendants of Noah, i.e., gentiles. Therefore, the prohibition of eating the sciatic nerve is broader than the prohibition of eating meat of sacrificial animals, which took effect only when the Torah was given.

מַאן שָׁמַעְתְּ לֵיהּ הַאי סְבָרָא – רַבִּי יְהוּדָה, וְהָא מַתְנִיתִין דְּלָא כְּרַבִּי יְהוּדָה, דְּקָתָנֵי: נוֹהֵג בַּבְּהֵמָה וּבַחַיָּה, בְּיָרֵךְ שֶׁל יָמִין וּבְיָרֵךְ שֶׁל שְׂמֹאל!

The Gemara challenges this answer: **Whom did you hear** holds in accordance with **this reasoning?** It is **Rabbi Yehuda,** cited in a later mishna (100b). **But the mishna** here **is not in accordance with** the opinion of **Rabbi Yehuda, as it teaches** that the prohibition of eating the sciatic nerve **applies to domesticated animals and to undomesticated animals, to** the **thigh of the right** leg **and to** the **thigh of the left** leg. By contrast, Rabbi Yehuda holds that the prohibition applies only with regard to the sciatic nerve in the thigh of one leg (see 90b).

הַאי תַּנָּא סָבַר לָהּ כְּוָותֵיהּ בַּחֲדָא, וּפְלִיג עֲלֵיהּ בַּחֲדָא.

The Gemara explains: The ***tanna*** of **this** mishna **holds in accordance with** the opinion of Rabbi Yehuda **with regard to one** *halakha*, i.e., that the prohibition of eating the sciatic nerve applies to the descendants of Noah, **and disagrees with his** opinion **with regard to one** *halakha* and holds that the prohibition applies to the sciatic nerves of both legs.

אֵימַר דְּשָׁמַעְתְּ לֵיהּ לְרַבִּי יְהוּדָה בִּטְמֵאָה – דְּאִיסּוּר לָאו, קָדָשִׁים דְּאִיסּוּר כָּרֵת, מִי שָׁמַעְתְּ לֵיהּ?

The Gemara challenges: **Say that you heard that Rabbi Yehuda** rules that the prohibition of eating the sciatic nerve takes effect in addition to the prohibition **with regard to a non-kosher** animal, **which is a prohibition** punishable by lashes. Since the prohibition of the sciatic nerve is broader in that it applies to the descendants of Noah, it takes effect even though the animal is already prohibited as being not kosher. But in the case of **sacrificial** animals, **whose** consumption by an impure person is **a prohibition** punishable by ***karet*, did you hear** that Rabbi Yehuda considers the prohibition of eating the sciatic nerve more stringent, such that it takes effect even though the animal is already prohibited? Therefore, this answer is rejected.

אֶלָּא, הָכָא בְּמַבְכֶּרֶת עָסְקִינַן – דְּבָרְחָם קָדוֹשׁ.

The Gemara offers an alternative answer: **Rather, here** in the mishna **we are dealing with** a non-sacred animal **giving birth to** its **firstborn, which** becomes **sanctified** as it leaves the **womb.** The mishna teaches that although the prohibition of eating the sciatic nerve does not apply to the offspring of sacrificial animals, because their sacrificial status renders them prohibited for consumption before the prohibition of the sciatic nerve takes effect, that is not the case with regard to a firstborn. The sanctified status of a firstborn takes effect only as it leaves the womb, which is after the prohibition of the sciatic nerve takes effect.

NOTES

The prohibition applies also to descendants of Noah – שָׁכֵן אִיסּוּרוֹ נוֹהֵג בִּבְנֵי נֹחַ: Commentaries disagree as to the meaning of this phrase as employed throughout this *sugya*, as well as later in the chapter (100b). Some early commentaries explain that this does not mean Rabbi Yehuda holds that the prohibition of the sciatic nerve applies nowadays to gentiles, but rather that it applied to gentiles before the Torah was given. Since the time the Torah was given, this mitzva applies only to Jews. Yet, as the prohibition applied to gentiles before the Torah was given, it has halakhic implications today in that the prohibition applies also to non-kosher species of animals, even though normally a prohibition does not take effect where another prohibition is already in place. As the prohibition was initially given to the descendants of Noah, and at that time it applied to all animals, therefore even after it no longer applies to gentiles, it remains in effect for Jews even with regard to non-kosher species of animals, as it was initially (Ramban).

Other early commentaries hold that even before the Torah was given the prohibition applied only to the children of Israel, the descendants of Jacob. When the Gemara here is referring to the descendants of Noah, it means the descendants of Jacob before the Torah was given (*Tosafot*; Rashi on *Sanhedrin* 59a). A third opinion appears to understand the Gemara here in its straightforward sense, that according to Rabbi Yehuda, the prohibition of eating the sciatic nerve applies to gentiles even following the giving of the Torah (see *Tosafot* on *Pesaḥim* 22a).

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HALAKHA

The prohibition of the sciatic nerve applies both to sacrificial animals that are eaten and to sacrificial animals that are not eaten – אֶחָד קָדָשִׁים הַנֶּאֱכָלִין וְאֶחָד קָדָשִׁים שֶׁאֵין נֶאֱכָלִין אִיסּוּר גִּיד נוֹהֵג בָּהֶן: The sciatic nerve of all sacrificial animals is forbidden, whether or not the offering is to be eaten, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1).

Even if they are already at the top of the altar, they shall descend – אֲפִילּוּ בְּרֹאשׁוֹ שֶׁל מִזְבֵּחַ יֵרֵדוּ: With regard to the bones, the sinews, the horns, and the hooves, when they are no longer attached to the flesh of an offering, if they ascended upon the altar, they must descend, in accordance with the ruling of the mishna in tractate *Zevaḥim* 83a (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 3:16).

וְאִי בָּעֵית אֵימָא: וְלָדוֹת קָדָשִׁים – בַּהֲוָויָתָן הֵן קְדוֹשִׁים.

And if you wish, say instead that the mishna is dealing with the **offspring of** all **sacrificial** animals, and this *tanna* holds that such animals **are sanctified** only **when they come into being** as independent creatures, i.e., at birth. Consequently, the prohibition of the sciatic nerve takes effect before the animal becomes prohibited at the time of its birth; or, according to the opinion that the sciatic nerve is permitted in a fetus, the two prohibitions take effect simultaneously.

אָמַר רַבִּי חִיָּיא בַּר יוֹסֵף: לֹא שָׁנוּ אֶלָּא קָדָשִׁים הַנֶּאֱכָלִין, אֲבָל קָדָשִׁים שֶׁאֵינָן נֶאֱכָלִין – אֵין אִיסּוּר גִּיד נוֹהֵג בָּהֶן. וְרַבִּי יוֹחָנָן אָמַר: אֶחָד קָדָשִׁים הַנֶּאֱכָלִין וְאֶחָד קָדָשִׁים שֶׁאֵין נֶאֱכָלִין – אִיסּוּר גִּיד נוֹהֵג בָּהֶן.

§ Having addressed the need for the mishna to state that the prohibition of eating the sciatic nerve applies with regard to sacrificial animals, the Gemara discusses which types of sacrificial animals are included in this prohibition. **Rabbi Ḥiyya bar Yosef says:** The Sages **taught** that the prohibition of the sciatic nerve applies **only** with regard to **sacrificial** animals **that are eaten,** e.g., sin offerings, guilt offerings and peace offerings; **but** with regard to **sacrificial** animals **that are not eaten,** e.g., burnt offerings, **the prohibition** of the sciatic **nerve does not apply. And Rabbi Yoḥanan says: The prohibition** of the sciatic **nerve applies both** with regard to **sacrificial** animals **that are eaten and** with regard to **sacrificial** animals **that are not eaten.**[H]

אָמַר רַב פַּפָּא: וְלָא פְּלִיגִי, כָּאן לְהַלְקוֹתוֹ, כָּאן – לְהַעֲלוֹתוֹ.

Rav Pappa said: Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan **do not disagree;** they are merely referring to different cases. **Here,** Rabbi Yoḥanan says that the prohibition of the sciatic nerve applies **with regard to flogging** one who eats it. **There,** Rabbi Ḥiyya bar Yosef says that the prohibition of the sciatic nerve does not apply **with regard to bringing** the meat of the animal **up** to the altar, i.e., offerings that are burned on the altar are brought up with the sciatic nerve. Burning the sciatic nerve on the altar is not comparable to eating it and is not prohibited.

אִיכָּא דְּאָמְרִי, אָמַר רַב פַּפָּא: וְלָא פְּלִיגִי, כָּאן – לְחַלְּצוֹ, וְכָאן – לְהַעֲלוֹתוֹ.

There are those **who say** that **Rav Pappa said** as follows: Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan **do not disagree;** they are merely referring to different cases. **Here,** Rabbi Ḥiyya bar Yosef says that the prohibition of the sciatic nerve does not apply to burnt offerings, in that one is not required **to remove it** before burning the offering on the altar. **There,** Rabbi Yoḥanan says that he prohibition does apply, in that if one did remove the sciatic nerve, it is prohibited **to bring it up** onto the altar independently.

רַב נַחְמָן בַּר יִצְחָק אָמַר: לְהַעֲלוֹתוֹ פְּלִיגִי, דְּתַנְיָא: ״וְהִקְטִיר הַכֹּהֵן אֶת הַכֹּל הַמִּזְבֵּחָה״ – לְרַבּוֹת הָעֲצָמוֹת וְהַגִּידִין וְהַקְּרָנַיִם וְהַטְּלָפַיִם.

Rav Naḥman bar Yitzḥak disagreed with Rav Pappa and **said:** Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan **disagree** with regard to whether it is permitted **to bring up** the sciatic nerve to the altar even when it remains in the thigh. **As it is taught** in a *baraita*: In the verse: "**And the priest shall make it all smoke on the altar**" (Leviticus 1:9), the term "it all" serves **to include the bones, and the sinews, and the horns, and the hooves** among those items burned on the altar.

יָכוֹל אֲפִילּוּ פָּרְשׁוּ? תַּלְמוּד לוֹמַר: ״וְעָשִׂיתָ עֹלֹתֶיךָ הַבָּשָׂר וְהַדָּם״.

One **might** have thought that **even** if **they became detached** from the flesh of the burnt offering they are burned upon the altar. Therefore, **the verse states: "And you shall offer your burnt offerings, the flesh and the blood,** upon the altar of the Lord your God" (Deuteronomy 12:27), indicating that only the flesh and the blood are offered upon the altar.

אִי בָּשָׂר וְדָם, יָכוֹל יַחֲלוֹץ גִּידִים וַעֲצָמוֹת, וְיַעֲלֶה בָּשָׂר לְגַבֵּי מִזְבֵּחַ: תַּלְמוּד לוֹמַר: ״וְהִקְטִיר הַכֹּהֵן אֶת הַכֹּל הַמִּזְבֵּחָה״, הָא כֵּיצַד: מְחוּבָּרִין – יַעֲלוּ, פָּרְשׁוּ, אֲפִילּוּ בְּרֹאשׁוֹ שֶׁל מִזְבֵּחַ – יֵרֵדוּ.

The *baraita* continues: **If** it is only **the flesh and the blood** that are offered on the altar, one **might** have thought that a priest must first **remove the sinews and bones** from an offering **and** only then may he **bring up the flesh** to be burned **upon the altar.** Therefore, **the verse states: "And the priest shall make it all smoke on the altar,"** including the sinews and bones. **How** can **these** texts be reconciled? If the sinews and bones are **attached** to the flesh, **they shall ascend.** If they **became detached** from the flesh, then **even** if they are already **at the top of the altar, they shall descend.**[H]

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וּמַאן תַּנָּא דְּשָׁמְעַתְּ לֵיהּ דַּאֲמַר פָּרְשׁוּ יֵרְדוּ? רַבִּי הִיא, דְּתַנְיָא: ״וְהִקְטִיר הַכֹּהֵן אֶת הַכֹּל״ – לְרַבּוֹת הָעֲצָמוֹת וְהַגִּידִים וְהַקְּרָנַיִם וְהַטְּלָפַיִם, וַאֲפִילּוּ פָּרְשׁוּ.

The Gemara comments: **And who is the *tanna* that you heard, who said** if **they became detached** from the flesh, **they shall descend? It is Rabbi** Yehuda HaNasi, **as it is taught** in a *baraita*: In the verse that states: "**And the priest shall make it all smoke** on the altar," the term "it all" serves **to include the bones, and the sinews, and the horns, and the hooves** among those items burned on the altar, **and** that is the *halakha* **even** if **they became detached** from the flesh of the offering.

וְהָא מָה אֲנִי מְקַיֵּים ״וְעָשִׂיתָ עֹלֹתֶיךָ הַבָּשָׂר וְהַדָּם״ – בְּפוֹקְעִין, הָא כֵּיצַד: עִיכּוּלֵי בָּשָׂר אַתָּה מַחֲזִיר, וְאִי אַתָּה מַחֲזִיר עִיכּוּלֵי גִידִים וַעֲצָמוֹת.

The *baraita* continues: **But** if so, **how do I realize** the meaning of the verse: "**And you shall offer your burnt offerings, the flesh and the blood,** upon the altar of the Lord your God" (Deuteronomy 12:27), which indicates that only the flesh and blood of an offering are offered on the altar? It is referring **to** parts of the offering that become **dislodged** from the fire. **How so?** If the partially **consumed flesh** of a burnt offering is dislodged from the altar, **you return**[H] it to the fire, **but you do not return** the partially **consumed sinews and bones** that become dislodged.

רַבִּי אוֹמֵר: כָּתוּב אֶחָד אוֹמֵר ״וְהִקְטִיר הַכֹּהֵן אֶת הַכֹּל״ – רִיבָּה, וְכָתוּב אֶחָד אוֹמֵר ״וְעָשִׂיתָ עֹלֹתֶיךָ הַבָּשָׂר וְהַדָּם״ – מִיעֵט. הָא כֵּיצַד: מְחוּבָּרִין – יַעֲלוּ, פָּרְשׁוּ, אֲפִילּוּ בְּרֹאשׁוֹ שֶׁל מִזְבֵּחַ – יֵרְדוּ.

The *baraita* continues: **Rabbi** Yehuda HaNasi **says** that **one verse states: "And the priest shall make it all smoke** on the altar," which **included** sinews and bones. **And one verse states: "And you shall offer your burnt offerings, the flesh and the blood,"** which **excluded** any part other than the flesh and the blood. **How** can **these** texts be reconciled? If the sinews and bones were **attached** to the flesh, **they shall ascend.** If they **became detached** from the flesh, then **even** if they are already **on top of the altar, they shall descend.**

וְרַבָּנָן – מְחוּבָּרִין לָא אִיצְטְרִיךְ קְרָא לְרַבּוּיֵי, מִידֵּי דַּהֲוָה אַרֹאשָׁהּ שֶׁל עוֹלָה, כִּי אִיצְטְרִיךְ קְרָא – לְפָרְשׁוּ.

The Gemara explains their dispute: **And the Rabbis** hold that with regard to sinews and bones that **are attached** to the flesh it **was not necessary** for **a verse to include** the obligation to bring them up to the altar. It is clear that they must be brought up, **just as it is** the *halakha* that **the head of a burnt offering,** which contains many bones, is brought up, as stated explicitly in the verse: "And Aaron's sons, the priests, shall lay the pieces, and the head, and the fat, in order upon the wood that is on the fire that is upon the altar" (Leviticus 1:8). **When a verse was necessary** it was **for** the case where the sinews and bones **became detached** from the flesh. Consequently, when the verse uses the inclusive phrase "it all," it is to include sinews and bones that became detached.

וְרַבִּי – מְחוּבָּרִין דַּהֲיתֵּירָא

But Rabbi Yehuda HaNasi holds that with regard to sinews and bones that are **attached** to the flesh and **that are permitted** to be eaten,

Perek **VII**
Daf **90** Amud **b**

לָא אִיצְטְרִיךְ קְרָא לְרַבּוּיֵי, כִּי אִיצְטְרִיךְ קְרָא – לְגִיד הַנָּשֶׁה בִּמְחוּבָּר.

it was not necessary for **the verse to include** them. **When** a verse **was necessary** it was **for the sciatic nerve that** is still **attached** to the flesh. The term "it all" teaches that if the sciatic nerve is attached to the flesh it is brought up to the altar.

וְרַבָּנָן – ״מִמַּשְׁקֵה יִשְׂרָאֵל״ – מִן הַמּוּתָּר לְיִשְׂרָאֵל.

And the Rabbis would explain their opinion based upon the verse: "And one lamb of the flock, out of two hundred, **from the well-watered pastures** [***mimashke***] **of Israel;** for a meal offering, and for a burnt offering, and for peace offerings, to make atonement for them, says the Lord God" (Ezekiel 45:15). Since the term *mashke* also means beverage, which is consumed, the verse is interpreted to mean that offerings may be sacrificed only **from that which is permitted to the Jewish people** for consumption. Since the sciatic nerve is not permitted for consumption, it may not be sacrificed on the altar. Consequently, the term "it all" is understood to include sinews and bones even if they have become detached from the flesh.

HALAKHA

Partially consumed flesh you return – עִיכּוּלֵי בָּשָׂר אַתָּה מַחֲזִיר: Incompletely burned limbs that are dislodged from the fire on the altar must be returned, even if they are dislodged after midnight. If they have no substance, then even if they were dislodged before midnight they do not need to be returned. If the meat is so charred that it is like wood and it was dislodged before midnight, it must be returned. If it was dislodged after midnight it need not be returned, in accordance with the ruling of the *baraita* (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 6:3).

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וְרַבִּי – מִידֵּי דַּהֲוָה אַחֵלֶב וְדָם. וְרַבָּנַן – מִצְוָתָן בְּכָךְ שָׁאנֵי.

And Rabbi Yehuda HaNasi would respond that a sciatic nerve that is attached to the flesh may be brought up to the altar, **just as it is** permitted to sacrifice forbidden **fat and blood** upon the altar even though they are forbidden for consumption. **And the Rabbis** would say that forbidden fat and blood **are different,** because the Torah explicitly states that **their mitzva is** to be offered on the altar **in this** way, whereas the Torah never mandates the sacrifice of the sciatic nerve upon the altar. According to Rav Naḥman bar Yitzḥak, Rabbi Ḥiyya bar Yosef agrees with Rabbi Yehuda HaNasi that the sciatic nerve is offered upon the altar together with the rest of the animal, whereas Rabbi Yoḥanan holds in accordance with the opinion of the Rabbis that the sciatic nerve is not offered upon the altar.

אָמַר רַב הוּנָא: גִּיד הַנָּשֶׁה שֶׁל עוֹלָה חוֹלְצוֹ לַתַּפּוּחַ. אֲמַר רַב חִסְדָּא: מָרֵי דִּיכִי! מִי כְּתִיב "עַל כֵּן לֹא יֹאכַל הַמִּזְבֵּחַ"? "עַל כֵּן לֹא יֹאכְלוּ בְּנֵי יִשְׂרָאֵל" כְּתִיב.

§ The Gemara cites another discussion with regard to the sciatic nerve of a burnt offering. **Rav Huna says: The sciatic nerve of a burnt offering**[H] is not placed upon the altar with the rest of the animal. Rather, **one removes it** and places it **on the** circular **mound** of ashes[B] in the center of the altar. **Rav Ḥisda said: Master of this** [*mari dikhi*][L] ruling! **Is it written** in the Torah: **Therefore the altar does not consume** the sciatic nerve? This would indicate that it is prohibited to sacrifice the sciatic nerve on the altar. Rather, it **is written: "Therefore the children of Israel eat not** the sciatic nerve" (Genesis 32:33).

וְרַב הוּנָא – "מִמַּשְׁקֵה יִשְׂרָאֵל" – מִן הַמּוּתָּר לְיִשְׂרָאֵל.

And Rav Huna holds that the phrase: **"From the well-watered pastures of Israel,"** indicates that offerings may be sacrificed only **from that which is permitted to the Jewish people.** Since the sciatic nerve is not permitted for consumption, it may not be sacrificed upon the altar.

מֵיתִיבִי: גִּיד הַנָּשֶׁה שֶׁל שְׁלָמִים – מְכַבְּדוֹ לָאַמָּה, וְשֶׁל עוֹלָה – מַעֲלֶה. מַאי לָאו, מַעֲלֶה וּמַקְטִירוֹ?

The Gemara **raises an objection** to Rav Huna's opinion. It is taught in a *baraita*: What should one do with **the sciatic nerve of a peace offering,**[BN] since the meat of the offering must be eaten but the sciatic nerve is forbidden? **One sweeps it to the** Temple courtyard **drain.**[B] **And** in the case of the sciatic nerve **of a burnt offering, one brings it up** to the altar. The Gemara comments: **What, is it not** that the *baraita* means that **he brings it up** to the altar **and burns it** with the rest of the animal, which contradicts the statement of Rav Huna?

לָא, מַעֲלֶה וְחוֹלְצוֹ. וּמֵאַחַר שֶׁחוֹלְצוֹ, לָמָּה מַעֲלֶה? מִשּׁוּם שֶׁנֶּאֱמַר "הַקְרִיבֵהוּ נָא לְפֶחָתֶךָ".

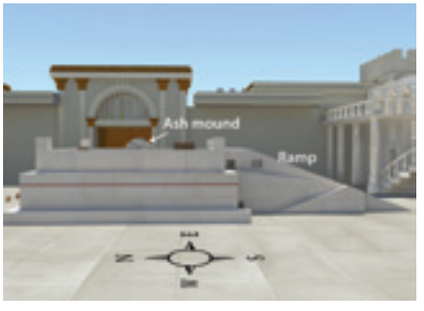
The Gemara responds: **No,** the *baraita* means that **he brings it up** to the altar **and removes it** from the thigh before placing the thigh on the fire. The Gemara asks: **But since he removes it** from the thigh, **why does he bring it up** to the altar? The Gemara answers that one cannot bring the thigh up to the altar after the sciatic nerve has been removed **because it is stated** with regard to one who sacrifices offerings that are damaged or unattractive: **"Present it now unto your governor;** will he be pleased with you, or will he accept your person? says the Lord of hosts" (Malachi 1:8). Consequently, the leg of the animal must be brought up to the altar while it is whole, and the sciatic nerve must be removed on top of the altar.

HALAKHA

The sciatic nerve of a burnt offering – גִּיד הַנָּשֶׁה שֶׁל עוֹלָה: When one cuts a burnt offering into pieces, the sciatic nerve is removed and thrown onto the circular mound of ashes in the center of the altar, in accordance with Rav Huna (Rambam *Sefer Korbanot*, *Hilkhot Ma'aseh HaKorbanot* 6:4).

BACKGROUND

Circular mound of ashes [*tappuaḥ*] – תַּפּוּחַ: This is referring to a circular pile of ashes collected on the top of the altar from the many offerings that were burned there. Every morning, as the first rite of the day, a priest would move the coals used during the burning of offerings the night before that had not been completely consumed and would place them to the side of the altar. He would then use a shovel to remove some completely consumed coals together with ashes, descend from the altar holding the shovel, and place the ashes on a certain flagstone on the floor of the Temple courtyard to the east of the altar. This stage was known as: Removal of the ashes [*terumat hadeshen*], and this flagstone was known as: The place of the ashes, where the ashes would sink into the ground miraculously. Afterward, many priests would ascend the altar to push the remaining ashes into the center of the altar, and would make an additional pile of ashes there. This is the pile of ashes referred to in the Gemara as the circular mound of ashes [*tappuaḥ*], meaning swollen [*tafuaḥ*], due to its round, raised shape. When there were too many ashes in this pile, priests would remove the excess to a place outside of Jerusalem known as: The place of pouring ashes. This additional task of removal of the ashes outside the city was known as: Removal of the ashes [*hotza'at hadeshen*]. According to some commentaries, this removal of ashes outside of Jerusalem took place daily regardless of how many ashes remained on the altar.



Altar and ramp

Peace offering – שְׁלָמִים: A peace offering, which is brought from male or female cattle, sheep, or goats, is an offering of lesser sanctity and may be slaughtered anywhere within the Temple courtyard. Following the slaughter, the blood is sprinkled on the two diagonally opposite corners of the altar in such a manner that it will descend on each of the altar's four sides. Unlike the burnt offering, which is completely consumed on the altar, only part of the peace offering is burned on the altar, while the breast and thigh are given to the priest. The rest of the animal is eaten by the one bringing the offering and his family anywhere in the city of Jerusalem. It may be eaten on the day the animal is sacrificed, the following day, and during the intervening night. With the exception of the Festival peace offering and a few other cases, peace offerings were brought voluntarily.

Temple courtyard drain – אַמָּה: This was a drainage channel that passed through the Temple courtyard. All the blood, water, and other liquids from the Temple flowed into it and out of the Temple.

LANGUAGE

Master of this [*mari dikhi*] – מָרֵי דִּיכִי: This phrase, used uniquely by Rav Ḥisda (see *Bava Kamma* 49a and *Zevaḥim* 43b), is an expression of surprise. Some explain it literally as meaning: Master of this ruling, i.e., the one at whom Rav Ḥisda is surprised (see Rashi on *Bava Kamma* 49a). Others explain that the phrase is an expression referring to God, as if to say: Master of the Universe (*Arukh HaShalem*). The *Arukh* cites a version of the text that reads: My Master and teacher.

NOTES

The sciatic nerve of a peace offering – גִּיד הַנָּשֶׁה שֶׁל שְׁלָמִים: The early commentaries were uncertain as to the reason that the sciatic nerve of a peace offering must be swept specifically into the Temple courtyard drain after being removed from the animal, as a peace offering may be eaten anywhere in Jerusalem. They explain that the text of the Gemara is incorrect and should read: The sciatic nerve of a sin offering and a guilt offering, as these offerings are eaten only in the Temple courtyard.

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תַּנְיָא כְּווֹתֵיהּ דְּרַב הוּנָא: גִּיד הַנָּשֶׁה שֶׁל שְׁלָמִים – מְכַבְּדוֹ לָאַמָּה, וְשֶׁל עוֹלָה – חוֹלְצוֹ לַתַּפּוּחַ.

It **is taught** in a *baraita* **in accordance with** the opinion **of Rav Huna:** With regard to the **sciatic nerve of a peace offering, one sweeps it into the** Temple courtyard **drain; and** with regard to the sciatic nerve **of a burnt offering, one removes it** and places it **on the** circular **mound** of ashes in the center of the altar.

תְּנַן הָתָם: תַּפּוּחַ הָיָה בְּאֶמְצַע הַמִּזְבֵּחַ, פְּעָמִים הָיָה עָלָיו כִּשְׁלֹשׁ מֵאוֹת כּוֹר. אָמַר רָבָא: גּוּזְמָא.

We learned in a mishna **there** (*Tamid* 28b): **There was** a circular **mound** of ashes **in the center of the altar,** and **sometimes there was** as much **as three hundred *kor*** [B] of ashes **upon it. Rava said:** This description is **an exaggeration** [***guzma***];[L] the *tanna* means merely that there was a significant quantity of ashes.

הִשְׁקוּ אֶת הַתָּמִיד בְּכוֹס שֶׁל זָהָב, אָמַר רָבָא: גּוּזְמָא.

Similarly, it is taught in a mishna (*Tamid* 30a) that before slaughtering the daily offering the priests **gave** the lamb selected for **the daily offering** water **to drink in a golden cup,** in order to render the animal easier to flay after slaughter. With regard to this mishna, **Rava said:** It is **an exaggeration,** as the priests did not actually let the animal drink from a golden vessel.

אָמַר רַבִּי אַמִּי: דִּבְּרָה תּוֹרָה לְשׁוֹן הֲוַאי, דִּבְּרוּ נְבִיאִים לְשׁוֹן הֲוַאי, דִּבְּרוּ חֲכָמִים לְשׁוֹן הֲוַאי. דִּבְּרוּ חֲכָמִים לְשׁוֹן הֲוַאי – הָא דַּאֲמַרַן,

The Gemara provides other examples of statements not meant literally. **Rabbi Ami says:** In some instances, **the Torah spoke** employing **exaggerated** [***havai***][L] **language, the Prophets spoke** employing **exaggerated language,** and **the Sages spoke** employing **exaggerated language.** The fact that **the Sages spoke** employing **exaggerated language** is evident from **that which we stated above,** concerning the mound of ashes and the lamb of the daily offering.

דִּבְּרָה תּוֹרָה לְשׁוֹן הֲוַאי – ״עָרִים גְּדוֹלוֹת וּבְצוּרוֹת בַּשָּׁמָיִם״, דִּבְּרוּ נְבִיאִים לְשׁוֹן הֲוַאי – ״וַתִּתָּקַע הָאָרֶץ לְקוֹלָם״.

The Torah spoke employing **exaggerated language,** as it is written: "Hear, Israel: You are passing over the Jordan this day, to go in to dispossess nations greater and mightier than you, **cities great and fortified up to heaven**" (Deuteronomy 9:1), whereas the fortifications obviously did not actually reach up to heaven. **The Prophets spoke** employing **exaggerated language,** as it is written with regard to the coronation of King Solomon: "And all the people came up after him, and the people piped with pipes, and rejoiced with great joy, **so that the earth rent with the sound of them**" (1 Kings 1:40), where the verse means merely that the sound was very loud.

אָמַר רַבִּי יִצְחָק בַּר נַחְמָנִי אָמַר שְׁמוּאֵל: בִּשְׁלֹשָׁה מְקוֹמוֹת דִּבְּרוּ חֲכָמִים לְשׁוֹן הֲוַאי, אֵלּוּ הֵן: תַּפּוּחַ, גֶּפֶן, וּפָרוֹכֶת. תַּפּוּחַ – הָא דַּאֲמַרַן.

Rabbi Yitzḥak bar Naḥmani says that **Shmuel says: In three places the Sages spoke** in **exaggerated language, and they are** with regard to the circular **mound** of ashes on the altar; the **vine; and** the **Curtain** separating the Sanctuary and Holy of Holies. The case of the circular **mound** of ashes **is that which we said.**

גֶּפֶן – דְּתַנַּן: גֶּפֶן שֶׁל זָהָב הָיְתָה עוֹמֶדֶת עַל פִּתְחוֹ שֶׁל הֵיכָל, מוּדָלָה עַל גַּבֵּי כְּלוֹנָסוֹת, וְכָל מִי שֶׁהָיָה מִתְנַדֵּב גַּרְגִּיר אוֹ אֶשְׁכּוֹל מֵבִיא וְתוֹלֶה בָּהּ. אָמַר רַבִּי אֶלְעָזָר בְּרַבִּי צָדוֹק: מַעֲשֶׂה הָיָה וְנִמְנוּ עָלֶיהָ שְׁלֹשׁ מֵאוֹת כֹּהֲנִים לְפַנּוֹתָהּ.

The case of the **vine** is **as we learned** in a mishna (*Middot* 36a): **A golden** ornament in the form of **a vine**[B] **was standing at the entrance to the Sanctuary,** and it was **hung upon poles. And whoever would donate** an ornamental golden leaf, **grape, or cluster** of grapes to the Temple would **bring** it to the Temple **and hang** it **upon** the vine. **Rabbi Elazar, son of Rabbi Tzadok, said: There was** once **an incident, and three hundred priests were enlisted to move** the vine because of its immense weight. According to Shmuel, this description is also an exaggeration.

BACKGROUND

***Kor* – כּוֹר:** The *kor* is the largest measurement of volume mentioned in talmudic sources. The *kor* contains thirty *se'a*, which various opinions estimate as being equivalent to between 216 and 432 ℓ.

Golden vine – גֶּפֶן שֶׁל זָהָב:



Entrance hall of the Sanctuary, adorned with a golden vine

LANGUAGE

Exaggeration [*guzma*] – גּוּזְמָא: The source of this term is unclear. It may stem from the word *gazam*, meaning cut, which in turn was used in rabbinic Hebrew in the form *guzma* to refer to a threat or an attempt to frighten. Its meaning may then have been expanded to refer to any statement made merely to make an impression, without being taken literally.

Exaggerated [*havai*] – הֲוַאי: This word means nonsense, and is used to refer to an exaggeration or to imprecise language. Some explain that it describes an unlearned person who is not careful with his language. Although he does not intend to tell a lie, his words lack precision (Rashi).

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פָּרוֹכֶת – דִּתְנַן: רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן הַסְּגָן, פָּרוֹכֶת – עוֹבְיָהּ טֶפַח, וְעַל שִׁבְעִים וּשְׁנַיִם נִירִים נֶאֱרֶגֶת, וְעַל כָּל נִימָה וְנִימָה עֶשְׂרִים וְאַרְבָּעָה חוּטִין. אָרְכָּהּ אַרְבָּעִים בְּאַמָּה וְרָחְבָּהּ עֶשְׂרִים בְּאַמָּה, וּמִשְּׁמוֹנִים וּשְׁתֵּי רִבּוֹא נַעֲשֵׂת, וּשְׁתַּיִם עוֹשִׂים בְּשָׁנָה, וּשְׁלֹשׁ מֵאוֹת כֹּהֲנִים מַטְבִּילִין אוֹתָהּ.

The case of the **Curtain** is **as we learned** in a mishna (*Shekalim* 8:2): **Rabban Shimon ben Gamliel says in the name of Rabbi Shimon, the deputy** High Priest:[P] The **Curtain** is the **thickness of a handbreadth** [*tefaḥ*].[HL] **It is woven from seventy-two strands** [*nirim*] of yarn, **and each and every strand** [*nima*][L] of those seventy-two is made from **twenty-four threads** consisting of six threads each of sky-blue wool, purple wool, scarlet wool, and fine linen. **Its length** is **forty cubits,** the height of the Sanctuary, **and its width** is **twenty cubits,** the width of the entrance. **And** it **is made from eighty-two ten-thousands,**[N] i.e., 820,000 dinars. **And** the overseers of the Temple **make two** new Curtains every **year.**[N] **And** the Curtain was so heavy that when it was immersed, **three hundred priests would immerse it.**

״בִּירֵךְ שֶׁל יָמִין וּבִירֵךְ שֶׁל שְׂמֹאל״. מַתְנִיתִין לָא כְּרַבִּי יְהוּדָה, דְּתַנְיָא רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ נוֹהֵג אֶלָּא בְּאַחַת, וְהַדַּעַת מַכְרַעַת – אֶת שֶׁל יָמִין.

§ The mishna teaches that the prohibition of the sciatic nerve applies **to** the **thigh of the right** leg **and to** the **thigh of the left** leg. The Gemara says: **The mishna is not in accordance with** the opinion of **Rabbi Yehuda, as it is taught** in a *baraita* that **Rabbi Yehuda says:** The prohibition of the sciatic nerve **applies only to** the sciatic nerve **in one** of the animal's thighs, **and logic dictates** that it is **the right** thigh.

אִיבַּעֲיָא לְהוּ: מִיפְּשַׁט פְּשִׁיטָא לֵיהּ לְרַבִּי יְהוּדָה, וּמַאי ״דַּעַת״? דַּעַת תּוֹרָה, אוֹ דִלְמָא סַפּוּקֵי מְסַפְּקָא לֵיהּ, וּמַאי ״דַּעַת״? דַּעַת נוֹטָה?

A dilemma was raised before the Sages: Is it **obvious to Rabbi Yehuda** that the prohibition applies only to the sciatic nerve in the right thigh, **and** accordingly, **what** does he mean when he says that **logic** dictates? He means **the logic of the Torah. Or perhaps he is uncertain** as to whether it applies only to the right thigh or only to the left, **and** accordingly, **what** does he mean when he says that **logic** dictates? He means that **logic inclines** one to believe that the prohibition applies to the right thigh.

תָּא שְׁמַע: הָעֲצָמוֹת וְהַגִּידִים וְהַנּוֹתָר – יִשָּׂרְפוּ לִשְׁשָׁה עָשָׂר, וְהֵיכִן בָּהּ: הֲנֵי גִּידֵי מַאי עֲבִידְתַּיְיהוּ? אִי גִּידֵי בָּשָׂר – לֵיכְלִינְהוּ! וְאִי דַּאֲיִיתוּר – הַיְינוּ נוֹתָר! אֶלָּא גִּידֵי צַוָּאר, אִי לָאו בָּשָׂר נִינְהוּ – לִישְׁדִינְהוּ!

The Gemara suggests: **Come** and **hear** a resolution based upon the following mishna (*Pesaḥim* 83a): **The bones** of the Paschal offering that contain edible marrow but cannot be eaten because it is prohibited to break the bones of the Paschal offering; **and the sinews; and the leftover** meat **should** all **be burned on the sixteenth**[H] of Nisan, not on the fifteenth, the first day of Passover. **And we discussed it: What are the circumstances** in which **these sinews** must be burned? **If we say** they are **sinews of meat, let one eat them.** Why are they burned? **And if** they are sinews **that were left over** and not eaten, **that is** the case of **leftover** meat; why does the mishna list sinews separately? **Rather,** the mishna is referring to **sinews of the neck,** which are different from other sinews and are therefore mentioned separately. But **if they are not meat,** why do they require burning? **Let one** simply **discard them** like other waste.

וַאֲמַר רַב חִסְדָּא: לָא נִצְרְכָא אֶלָּא לְגִיד הַנָּשֶׁה, וְאַלִּיבָּא דְּרַבִּי יְהוּדָה דַּאֲמַר אֵינוֹ נוֹהֵג אֶלָּא בְּאַחַת.

And Rav Ḥisda said: The mishna's mention of sinews **is necessary only** in order to teach the *halakha* **of the sciatic nerve,** and **in accordance with** the opinion **of Rabbi Yehuda, who said:** The prohibition of the sciatic nerve **applies only to** the sciatic nerve in **one** of the animal's thighs, and not to both.

PERSONALITIES

Rabbi Shimon the deputy High Priest – רַבִּי שִׁמְעוֹן הַסְּגָן: This Sage is mentioned infrequently in the Mishna. Apparently the title: Deputy, is a title of honor, and not part of his name. According to some commentaries, the text of the Gemara should read: Rabbi Shimon, son of the deputy High Priest. If so, this individual was actually the son of Rabbi Ḥanina, the deputy High Priest, who is the deputy most often mentioned in the sources and one of the prominent Sages in the generation of the destruction of the Temple (Rambam). Some hold that this Rabbi Shimon is identical with Rabbi Shimon bar Kahana mentioned in the *Tosefta*. Since he was either the deputy High Priest or the son of the deputy High Priest, his testimony has particular significance in any matters relevant to priesthood.

HALAKHA

The Curtain is the thickness of a handbreadth, etc. – פָּרוֹכֶת עוֹבְיָהּ טֶפַח וכו׳: Two curtains each year were made to separate the Sanctuary from the Holy of Holies. The Curtain was woven from four different types of yarn: Fine linen, sky-blue wool, purple wool, and scarlet wool. Each strand consisted of six threads of each of the four materials, totaling twenty-four threads. The Curtain, which was forty cubits long and twenty cubits wide, was woven on seventy-two looms and was one handbreadth thick. This is in accordance with the opinion of Rabban Shimon ben Gamliel, citing Rabbi Shimon the deputy High Priest (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 7:16).

The bones, and the sinews, and the leftover meat should be burned on the sixteenth – הָעֲצָמוֹת וְהַגִּידִים וְהַנּוֹתָר יִשָּׂרְפוּ לִשְׁשָׁה עָשָׂר: Although the leftovers of peace offerings are forbidden for consumption from the beginning of the third night after being sacrificed, they are not burned until the following day. The reason is that leftover meat may be burned only during the daytime, whether that day is the first day following the time that the meat became leftover, or whether more than one day had already passed. Burning the leftover parts of an offering does not override a Festival and certainly does not override Shabbat (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 19:5).

LANGUAGE

Handbreadth [*tefaḥ*] – טֶפַח: The handbreadth is the basic measurement of length, and is mentioned in the Torah (Exodus 25:25). It refers to the width of four fingers, excluding the thumb, when they are side by side. Modern estimates range between 8 and 9.6 cm.

Strands [*nirim*]…strand [*nima*] – נִירִים…נִימָה: Although two different Hebrew words are used here, one in plural and the other in singular, they are similar to each other and share the same meaning. The word *nima* comes from the Greek νῆμα, *nēma*, meaning thread or hair.

NOTES

And it is made from eighty-two ten-thousands [*ribbo*] – וּמִשְּׁמוֹנִים וּשְׁתֵּי רִבּוֹא נַעֲשֵׂת: The commentary follows the interpretation of the Rambam that this number is referring to the cost of the curtain. Other commentaries claim that it is referring to the number of young girls who have not yet menstruated, and are therefore certainly ritually pure, who were needed to weave the curtain. Weaving was traditionally women's work, and women were paid to weave the curtain for the Temple (Commentary on *Tamid*). According to this interpretation, the text should read *rivot*, young girls, rather than *ribbo*, ten-thousands. Some explain that the number is referring to the number of threads that were in the curtain (Rabbeinu Barukh).

And they make two Curtains every year – וּשְׁתַּיִם עוֹשִׂים בְּשָׁנָה: Some explain that this is referring to the two Curtains that separated the Holy of Holies and the Sanctuary in the Second Temple. These were spaced a cubit apart, and they replaced the cubit-width dividing wall, called the *amma teraksin*, of the First Temple. An alternate explanation of the two curtains is that one is for the Holy of Holies and the other for the Entrance Hall (Rashi). New curtains were needed each year because they would become ruined by the large quantity of smoke produced from the incense (Rosh).

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אִי אָמַרְתְּ בְּשִׁלָּמָא סַפּוּקֵי מִסַּפְקָא לֵיהּ – שַׁפִּיר, אֶלָּא אִי אָמַרְתְּ מִיפְּשַׁט פְּשִׁיטָא לֵיהּ, דְּהֵיתֵירָא – לֵיכְלֵיהּ, דְּאִיסּוּרָא – לִשְׁדֵּייהּ!

The Gemara explains how this resolves the dilemma: **Granted if you say** that Rabbi Yehuda **is uncertain** as to whether it is the sciatic nerve of the right or the left thigh, it works out **well.** Since it is uncertain which thigh may be eaten, one may not eat either of them, and one must burn each of them on the sixteenth due to the possibility that it was the permitted one and now has the status of leftover meat. **But if you say** that it is **obvious to** Rabbi Yehuda that the sciatic nerve of only the right thigh is forbidden, **let him eat** the sciatic nerve **of the permitted** left thigh, and **let him throw** away only the sciatic nerve **of the forbidden** right thigh. Neither one should be burned.

אֲמַר רַב אִיקָא בַּר חֲנִינָא: לְעוֹלָם אֵימָא לָךְ מִיפְּשַׁט פְּשִׁיטָא לֵיהּ, וְהָכָא בְּמַאי עָסְקִינַן – בְּשֶׁהוּכְּרוּ וּלְבַסּוֹף נִתְעָרְבוּ.

The Gemara responds: **Rav Ika bar Ḥanina said: Actually I** could **say to you** that it is **obvious to** Rabbi Yehuda that the sciatic nerve of only the right thigh is forbidden. Nevertheless, **here we are dealing with** a case **where** the sciatic nerves **were identified** and removed, **but ultimately** the sciatic nerves **became intermingled** and one cannot tell which is from the right thigh and which is from the left thigh. Consequently, they must both be left over until the next day and then burned.

Perek **VII**
Daf **91** Amud **a**

רַב אַשִׁי אָמַר: לָא נִצְרְכָא אֶלָּא לִשְׁמְנוֹ, דְּתַנְיָא: שַׁמְנוֹ מוּתָּר, וְיִשְׂרָאֵל קְדוֹשִׁים נֶהֱגוּ בּוֹ אִיסּוּר.

Rav Ashi said: The mishna's ruling that the sinews must be burned **is necessary only** with regard to the **fat** around the sciatic nerve, **as it is taught** in a *baraita*: The **fat**[H] around the sciatic nerve **is permitted** by Torah law, **but the Jewish people are holy** and **treated it as forbidden.** Since it is permitted by Torah law, it has the status of sacrificial meat and may not be simply discarded. Nevertheless, since the Jewish people treat it as forbidden, they do not eat it even from the Paschal offering, despite the mitzva to eat that offering in its entirety. Therefore, it is left until after the time when the meat may be eaten and it is burned as leftover sacrificial meat.

רָבִינָא אָמַר: לָא נִצְרְכָא אֶלָּא לְכִדְרַב יְהוּדָה אֲמַר שְׁמוּאֵל, דַּאֲמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: שְׁנֵי גִידִין הֵן. פְּנִימִי, סָמוּךְ לָעֶצֶם – אָסוּר וְחַיָּבִין עָלָיו. חִיצוֹן, סָמוּךְ לַבָּשָׂר – אָסוּר וְאֵין חַיָּבִין עָלָיו.

Ravina said: The mishna's statement **is necessary only** with regard to the outer nerve, and it is **in accordance with that which Rav Yehuda** said that **Shmuel said. As Rav Yehuda said** that **Shmuel said: There are two nerves**[BH] included in the prohibition of the sciatic nerve. The **inner** nerve that is **next to the bone is forbidden** by Torah law, **and one is liable** to be flogged **for** eating **it.** The **outer** nerve that is **next to the flesh is forbidden** by rabbinic law, **and** therefore **one is not liable** to be flogged **for** eating **it.** In the case of a Paschal offering, since the outer nerve is permitted by Torah law, it assumes the status of leftover sacrificial meat when it is not eaten.

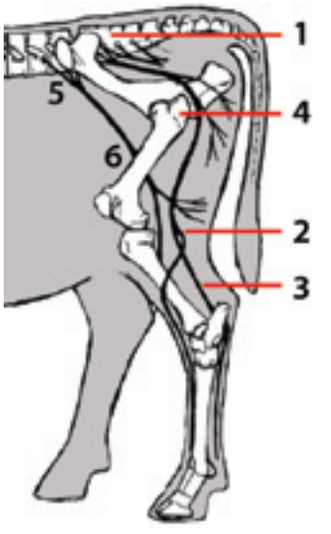
תָּא שְׁמַע: אָכַל מִזֶּה כַּזַּיִת וּמִזֶּה כַּזַּיִת – סוֹפֵג שְׁמוֹנִים. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים.

The Gemara suggests: **Come** and **hear** another resolution to the dilemma about Rabbi Yehuda's statement, from a mishna (96a): If **one ate an olive-bulk from this** sciatic nerve of the right leg **and an olive-bulk from that** sciatic nerve of the left leg, **he incurs eighty** lashes. **Rabbi Yehuda says: He incurs only forty** lashes.

BACKGROUND

Two nerves – שְׁנֵי גִידִין: The sciatic nerve emerges from the pelvis (1) and runs down the thigh. At the end of the thigh it branches in two (2): The tibial nerve, which runs down the back of the leg (3), and the common fibular nerve, which runs down the outside of the leg. There are two traditions as to the identity and placement of these outer and inner nerves mentioned in the Gemara. According to one tradition, accepted by the Yemenite community, the inner nerve consists of the tibial nerve and part of the sciatic nerve, while the common fibular nerve is the outer nerve.

According to the second tradition, accepted by the Ashkenazic community, all of the aforementioned nerves comprise the inner nerve. It is referred to as being the inner one because its base is close to the base of the coccygeal bone and runs to the end of the femur (4). The outer nerve is the femoral nerve, which emerges higher up in the spine, before the hind leg (5). From there it runs diagonally to the muscle of the thigh, crossing the femur on its way (6).



Hindquarters of a cow

HALAKHA

Fat – שַׁמְנוֹ: Even though the fat attached to the sciatic nerve is permitted by Torah law, the Jewish people are holy and treat it as forbidden. This is in accordance with the opinion of Rabbi Meir in the *baraita* later (92b) and in accordance with the *baraita* here (*Shulḥan Arukh*, *Yoreh De'a* 65:8).

There are two nerves – שְׁנֵי גִידִין הֵן: There are two major nerves in the thigh, an inner nerve close to the bone, and an outer one closer to the hide, both of which are forbidden. The inner one is forbidden by Torah law and the outer one by rabbinic law, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1; *Shulḥan Arukh*, *Yoreh De'a* 65:8).

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אִי אָמְרַתְּ בִּשְׁלָמָא מִיפְּשַׁט פְּשִׁיטָא לֵיהּ – שַׁפִּיר, אֶלָּא אִי אָמְרַתְּ סַפּוּקֵי מְסַפְּקָא לֵיהּ – הָוְיָא לָהּ הַתְרָאַת סָפֵק, וְשָׁמְעִינַן לֵיהּ לְרַבִּי יְהוּדָה דַּאֲמַר: הַתְרָאַת סָפֵק לֹא שְׁמָהּ הַתְרָאָה!

Granted, if you say it is **obvious to** Rabbi Yehuda that the sciatic nerve of the right thigh is the one forbidden by Torah law, it is **well. But if you say he is uncertain,** why would he hold that one incurs any lashes? When the individual is forewarned not to partake of each sciatic nerve, which is necessary in order to be liable for incurring lashes, **it is an uncertain forewarning, and we have heard** about **Rabbi Yehuda that he said: An uncertain forewarning is not characterized as forewarning.**

דְּתַנְיָא: הִכָּה אֶת זֶה וְחָזַר וְהִכָּה אֶת זֶה, קִלֵּל אֶת זֶה וְחָזַר וְקִלֵּל אֶת זֶה, הִכָּה שְׁנֵיהֶם בְּבַת אַחַת, אוֹ שֶׁקִּלֵּל שְׁנֵיהֶם בְּבַת אַחַת חַיָּיב. רַבִּי יְהוּדָה אוֹמֵר: בְּבַת אַחַת – חַיָּיב, בְּזֶה אַחַר זֶה – פָּטוּר!

As it is taught in a *baraita*: If one is uncertain which of two men is his father and he **struck this** one **and then struck that** one, or **cursed this** one **and then cursed that** one, or **struck both of them simultaneously, or cursed both of them simultaneously, he is liable** to receive the death penalty, as he certainly struck or cursed his father. **Rabbi Yehuda says:** If he struck or cursed both of them **simultaneously he is liable,** provided he was forewarned that his action will certainly render him liable to receive the death penalty. But if he struck or cursed them **one after the other he is exempt.** Apparently, Rabbi Yehuda is of the opinion that one is not punished after uncertain forewarning; since in this case it is impossible to determine which of them is the father, inevitably each forewarning is uncertain. Similarly, if Rabbi Yehuda is uncertain which sciatic nerve is forbidden by Torah law, he should hold that since the forewarning before eating either sciatic nerve is uncertain, one who consumes both should be exempt.

הַאי תַּנָּא סְבַר לַהּ כְּאִידָךְ תַּנָּא דְּרַבִּי יְהוּדָה. דַּאֲמַר: הַתְרָאַת סָפֵק שְׁמָהּ הַתְרָאָה.

The Gemara answers: **This *tanna*** of that mishna, on 96a, **holds in accordance with** the opinion of **another *tanna*** with regard to the opinion **of Rabbi Yehuda, who said** that Rabbi Yehuda holds that **an uncertain forewarning is characterized as forewarning.**

דְּתַנְיָא: ״לֹא תוֹתִירוּ מִמֶּנּוּ עַד בֹּקֶר״ וגו׳ – בָּא הַכָּתוּב לִיתֵּן עֲשֵׂה אַחַר לֹא תַּעֲשֶׂה, לוֹמַר שֶׁאֵין לוֹקִין עָלָיו, דִּבְרֵי רַבִּי יְהוּדָה.

As it is taught in a *baraita*: The verse states with regard to the Paschal offering: "**And you shall not leave any of it until morning;** but that which remains of it until morning you shall burn with fire" (Exodus 12:10). **The verse comes to provide a positive mitzva** to burn the leftover meat **after** it has taught **a prohibition** against leaving it over, **to say that one is not flogged for** violation **of** the prohibition; this is **the statement of Rabbi Yehuda.** Rabbi Yehuda holds that one is not flogged for any transgression that can be rectified by the performance of a positive mitzva.

רַבִּי יַעֲקֹב אוֹמֵר: לֹא מִן הַשֵּׁם הוּא זֶה, אֶלָּא מְשׁוּם דְּהָוָה לָאו שֶׁאֵין בּוֹ מַעֲשֶׂה, וְכָל לָאו שֶׁאֵין בּוֹ מַעֲשֶׂה אֵין לוֹקִין עָלָיו.

Rabbi Ya'akov says: This, the *halakha* that one is not flogged, **is not for** that **reason. Rather,** it is **because** leaving over sacrificial meat **is a prohibition that does not involve an action,** as one violates the prohibition through failure to take action, **and** concerning **any prohibition that does not involve an action, one is not flogged for** its violation. The forewarning one could receive for this transgression is an uncertain one, because witnesses who forewarn the individual cannot be certain until daybreak that he will leave it over. Nevertheless, this *baraita* indicates that if not for the fact that leaving over sacrificial meat can be rectified by a positive mitzva, Rabbi Yehuda would hold that one is flogged for leaving over sacrificial meat.

תָּא שְׁמַע: אָכַל שְׁנֵי גִידִין מִשְּׁתֵּי יְרֵכוֹת מִשְּׁתֵּי בְּהֵמוֹת – סוֹפֵג שְׁמוֹנִים. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים.

The Gemara suggests: **Come** and **hear** a resolution of the uncertainty with regard to the opinion of Rabbi Yehuda from a *baraita*: If **one ate two** sciatic **nerves from two thighs of two** different **animals, he incurs eighty** lashes. **Rabbi Yehuda says: He incurs only forty** lashes.

מִדְּקָאָמַר ״מִשְּׁתֵּי יְרֵכוֹת מִשְּׁתֵּי בְּהֵמוֹת״ פְּשִׁיטָא דְּתַרְוַיְיהוּ לְאִיסּוּרָא, וּלְרַבִּי יְהוּדָה אִיצְטְרִיךְ, שְׁמַע מִינָּהּ: מִיפְּשַׁט פְּשִׁיטָא לֵיהּ, שְׁמַע מִינָּהּ.

The Gemara comments: **From** the fact that the first *tanna* **said** that he was referring to **two thighs of two** different **animals,** it is **obvious** that he meant they were both from the right thigh, because if one were from the right thigh and one were from the left thigh it would not matter if they were from two different animals or from the same animal. Consequently, **both** sciatic nerves are definitely **forbidden** by Torah law, and according to the first *tanna* one incurs eighty lashes for eating them. **And** it **was necessary** to teach that **according to Rabbi Yehuda** one incurs only forty lashes, as will be explained. **Conclude from** this *baraita* that it is **obvious to** Rabbi Yehuda that it is the sciatic nerve of the right thigh that is forbidden by Torah law. The Gemara affirms: **Conclude from** it that this is Rabbi Yehuda's opinion.

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וְאִי פְּשִׁיטָא לֵיהּ, אַמַּאי סוֹפֵג אַרְבָּעִים, וְתוּ לָא? לִילְקֵי שְׁמוֹנִים! הָכָא בְּמַאי עָסְקִינַן כְּגוֹן דְּלֵית בּוֹ כַּזַּיִת, דְּתַנְיָא: אֲכָלוֹ וְאֵין בּוֹ כַּזַּיִת – חַיָּיב. רַבִּי יְהוּדָה אוֹמֵר: עַד שֶׁיְּהֵא בּוֹ כַּזַּיִת.

The Gemara seeks to clarify the *baraita*: **But if it is obvious to** Rabbi Yehuda that the sciatic nerve from the right thigh is prohibited by Torah law, **why** does he **incur forty** lashes **and nothing more? Let him be flogged eighty** times. The Gemara answers: **Here we are dealing with** a case **where** the volume of one of the sciatic nerves **is not an olive-bulk,** and Rabbi Yehuda holds that in such a case one is not flogged for its consumption. **As it is taught** in a *baraita*: If **one ate** the entire sciatic nerve **and** its volume **is not an olive-bulk,** he is nevertheless **liable** to be flogged, because he ate a complete, natural unit of forbidden food. **Rabbi Yehuda says:** He is not liable **unless it has** a volume of at least **an olive-bulk.**

וְטַעֲמָא מַאי? אֲמַר רָבָא, אָמַר קְרָא: ״הַיֶּרֶךְ״ – הַמְיוּחֶמֶת שֶׁבַּיָּרֵךְ.

The Gemara asks: **And what is the reason** that Rabbi Yehuda holds that only the sciatic nerve of the right thigh is forbidden by Torah law? **Rava said** that it is because the **verse states:** "Therefore the children of Israel eat not the sciatic nerve that is upon the spoon of **the thigh**" (Genesis 32:33). The definite article indicates that this is referring to **the most important thigh.**

וְרַבָּנַן – הַהוּא דְּפָשֵׁיט אִיסּוּרֵיהּ בְּכוּלֵּיהּ יַרְכָּא, לְאַפּוֹקֵי חִיצוֹן דְּלָא.

And the Rabbis, who hold that the sciatic nerves of both the right and left thighs are forbidden by Torah law, explain the definite article as teaching that the prohibition applies to **the one whose prohibition spreads through the entire thigh,** i.e., the inner nerve. This serves **to exclude** the **outer** nerve, **which is not** prohibited by Torah law.

וְרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אֲמַר, אָמַר קְרָא: ״בְּהֵאָבְקוֹ עִמּוֹ״ – כְּאָדָם שֶׁחוֹבֵק אֶת חֲבֵירוֹ, וְיָדוֹ מַגַּעַת לְכַף יְמִינוֹ שֶׁל חֲבֵירוֹ.

And Rabbi Yehoshua ben Levi said that Rabbi Yehuda holds that the sciatic nerve of the right thigh is forbidden because **the verse states:** "And when he saw that he could not prevail against him, he touched the spoon of his thigh; and the spoon of Jacob's thigh was strained, **as he wrestled with him**" (Genesis 32:26). The angel grappled with Jacob **like a man who hugs**[B] **another** in order to throw him to the ground, **and his hand reaches to the spoon of the right** thigh **of the other.**

רַבִּי שְׁמוּאֵל בַּר נַחְמָנִי אָמַר: כְּגוֹי נִדְמָה לוֹ, דַּאֲמַר מָר: יִשְׂרָאֵל שֶׁנִּטְפַּל לוֹ גּוֹי בַּדֶּרֶךְ – טוֹפְלוֹ לִימִינוֹ.

Rabbi Shmuel bar Naḥmani says: The angel **appeared to him as a gentile, as the Master said: A Jew who is joined by a gentile on the road**[H] and continues his travels with him should **position** the gentile **to his right,** close to one's dominant hand. This allows the Jew to defend himself against any potential attack. Since Jacob followed this practice, it was therefore Jacob's right thigh that the angel touched.

רַב שְׁמוּאֵל בַּר אַחָא קַמֵּיהּ דְּרַב פָּפָּא מְשַׁמֵּיהּ דְּרָבָא בַּר עוּלָּא אָמַר: כְּתַלְמִיד חָכָם נִדְמָה לוֹ, דַּאֲמַר מָר: הַמְהַלֵּךְ לִימִין רַבּוֹ – הֲרֵי זֶה בּוּר.

Rav Shmuel bar Aḥa said before Rav Pappa in the name of Rava bar Ulla that the angel **appeared to** Jacob **as a Torah scholar,** and therefore Jacob positioned the angel on his right side, **as the Master said: One who walks to the right of his teacher is an ignoramus,**[H] in that he does not know how to act with good manners. Consequently, it was Jacob's right thigh that the angel touched.

וְרַבָּנַן – מֵאָחוֹרֵיהּ אֲתָא, וְנָשְׁיֵיהּ בְּתַרְוַיְיהוּ.

And the Rabbis, who hold that the sciatic nerves of both thighs are forbidden, understand that the angel **came from behind** Jacob **and hit him on both** thighs.

וְרַבָּנַן, הַאי ״בְּהֵאָבְקוֹ עִמּוֹ״ מַאי דָּרְשִׁי בֵּיהּ? מִבָּעֵי לֵיהּ לְכִדְאִידָךְ דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, דַּאֲמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: מְלַמֵּד שֶׁהֶעֱלוּ אֲבַק מַרְגְּלוֹתָם עַד כִּסֵּא הַכָּבוֹד. כְּתִיב הָכָא ״בְּהֵאָבְקוֹ עִמּוֹ״, וּכְתִיב הָתָם ״וְעָנָן אֲבַק רַגְלָיו״.

The Gemara asks: **And the Rabbis, what do they derive** from **this** phrase: **"As he wrestled with him"** (Genesis 32:26)? The Gemara answers: They **require it for the other** interpretation **of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi said:** This **teaches that the dust** [*avak*] **from their feet ascended to the throne of glory. It is written here: "As he wrestled** [*behe'avko*] **with him," and it is written there** in a description of how God will punish the wicked: "The Lord, in the whirlwind and in the storm is His way, **and the clouds are the dust of His feet"** (Nahum 1:3).

וְאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: לָמָּה נִקְרָא שְׁמוֹ ״גִּיד הַנָּשֶׁה״? שֶׁנָּשָׁה מִמְּקוֹמוֹ וְעָלָה, וְכֵן הוּא אוֹמֵר: ״נָשְׁתָּה גִּבּוֹרָתָם הָיוּ לְנָשִׁים״.

§ The Gemara cites another statement of Rabbi Yehoshua ben Levi concerning the sciatic nerve: **And Rabbi Yehoshua ben Levi says: Why is its name called sciatic nerve** [*gid hanashe*]**?** It is **because** the sciatic nerve **left** [*nasha*] **its place and rose. And similarly** the verse **says:** "The mighty men of Babylon have ceased to fight, they remain in their strongholds; **their might has left** [*nashata*]**, they are become as women"** (Jeremiah 51:30).

BACKGROUND

A man who hugs – אָדָם שֶׁחוֹבֵק:



Wrestling hug, with one wrestler's hand reaching the other's thigh

HALAKHA

A Jew who is joined by a gentile on the road – יִשְׂרָאֵל שֶׁנִּטְפַּל לוֹ גּוֹי בַּדֶּרֶךְ: If a Jew finds himself walking on a road with a gentile armed with a sword, the Jew should ensure that the gentile is to his right. According to the *Haggahot Maimoniyyot*, the reason is that if necessary, he can quickly grab the gentile's sword using his right hand, as people usually carried their swords on their left sides (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 153:3).

One who walks to the right of his teacher is an ignoramus – הַמְהַלֵּךְ לִימִין רַבּוֹ הֲרֵי זֶה בּוּר: If three Torah scholars are walking along the road, the teacher walks in the middle, with the more senior student to the teacher's right and the junior student to the teacher's left (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 6:5; *Shulḥan Arukh*, *Yoreh De'a* 242:17).

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BACKGROUND

Small pitchers – פַּכִּין קְטַנִּים: Pitchers were small, typically earthenware vessels, used as receptacles for liquids. As a pitcher had a narrow opening, it was impossible to insert even one's finger into a smaller pitcher.



Small pitcher from the Second Temple era

HALAKHA

A Torah scholar should not go out of his house alone at night – לְתַלְמִיד חָכָם שֶׁלֹּא יֵצֵא יְחִידִי בַּלַּיְלָה: A Torah scholar may not go out alone at night unless it is his set time to go out to learn, due to concern of suspicion of engaging in illicit behavior. This ruling is in accordance with the opinion of Rabbi Yitzḥak (Rambam *Sefer HaMadda*, *Hilkhot Deot* 5:9).

אָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא, מַאי דִּכְתִיב: ״דָּבָר שָׁלַח בְּיַעֲקֹב וְנָפַל בְּיִשְׂרָאֵל״? ״דָּבָר שָׁלַח בְּיַעֲקֹב״ – זֶה גִּיד הַנָּשֶׁה, ״וְנָפַל בְּיִשְׂרָאֵל״ – שֶׁפָּשַׁט אִיסּוּרוֹ בְּכָל יִשְׂרָאֵל.

The Gemara continues with other expositions pertaining to the sciatic nerve. **Rabbi Yosei, son of Rabbi Ḥanina, said: What** is the meaning of that **which is written:** "The Lord **sent a word to Jacob, and it has fallen upon Israel"** (Isaiah 9:7)? **"He sent a word to Jacob"; this** is a reference to **the sciatic nerve. "And it has fallen upon Israel";** this teaches **that its prohibition has** been **extended to the entire Jewish people.**

וַאֲמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא, מַאי דִּכְתִיב: ״וּטְבֹחַ טֶבַח וְהָכֵן״ – פְּרַע לָהֶן בֵּית הַשְּׁחִיטָה, ״וְהָכֵן״ – טוֹל גִּיד הַנָּשֶׁה בִּפְנֵיהֶם. כְּמַאן דַּאֲמַר: גִּיד הַנָּשֶׁה נֶאֱסַר לִבְנֵי נֹחַ.

And Rabbi Yosei, son of Rabbi Ḥanina, also **said: What** is the meaning of that **which is written:** "And when Joseph saw Benjamin with them, he said to the steward of his house: Bring the men into the house, **and slaughter the animals, and prepare** the meat; for the men shall dine with me at noon" (Genesis 43:16)? Joseph commanded his steward: **Expose the place of the slaughter** on the neck of the animal **to them** so that the brothers will know that it is being slaughtered correctly. **"And prepare"** teaches that Joseph instructed the steward to **remove the sciatic nerve in their presence** so that the brothers would know that it had been fully removed. The Gemara comments that this opinion is **according to the one who said** that **the sciatic nerve was forbidden to** the children of Jacob even before the Torah was given, when they still had the status of **descendants of Noah.**

״וַיִּוָּתֵר יַעֲקֹב לְבַדּוֹ״ – אָמַר רַבִּי אֶלְעָזָר: שֶׁנִּשְׁתַּיֵּיר עַל פַּכִּין קְטַנִּים, מִכָּאן לַצַּדִּיקִים שֶׁחֲבִיב עֲלֵיהֶם מָמוֹנָם יוֹתֵר מִגּוּפָם, וְכָל כָּךְ לָמָּה? לְפִי שֶׁאֵין פּוֹשְׁטִין יְדֵיהֶן בְּגֵזֶל.

The Gemara returns to the verse of Jacob wrestling with the angel. The verse states: **"And Jacob was left alone;** and a man wrestled with him until the breaking of the day" (Genesis 32:25). **Rabbi Elazar says:** The reason Jacob remained alone was **that he remained** to collect some **small pitchers**[B] that had been left behind. **From here** it is derived **that the possessions of the righteous are dearer to them than their bodies. And why** do they care **so much** about their possessions? It is **because they do not stretch out their hands to** partake of **stolen property.**

״וַיֵּאָבֵק אִישׁ עִמּוֹ עַד עֲלוֹת הַשָּׁחַר״ – אָמַר רַבִּי יִצְחָק: מִכָּאן לְתַלְמִיד חָכָם שֶׁלֹּא יֵצֵא יְחִידִי בַּלַּיְלָה. רַבִּי אַבָּא בַּר כָּהֲנָא אָמַר מֵהָכָא:

The verse states: **"And a man wrestled with him until the breaking of the day." Rabbi Yitzḥak says: From here** it is derived **that a Torah scholar should not go out** of his house **alone at night,**[HN] as Jacob went out alone at night and was injured. **Rabbi Abba bar Kahana said** that the source for this instruction is **from here:**

NOTES

From here it is derived that a Torah scholar should not go out alone at night – מִכָּאן לְתַלְמִיד חָכָם שֶׁלֹּא יֵצֵא יְחִידִי בַּלַּיְלָה: *Tosafot* write that this applies specifically to a Torah scholar because he requires extra protection, similar to a bridegroom, who also requires extra protection (see *Berakhot* 54b). The reason is that evil forces single him out specifically, and night is a time when evil has more power, especially over those who are walking alone. Although the Gemara states elsewhere (*Pesaḥim* 2a) that one should set out on a journey only during daylight hours and should come to a settled place at night, indicating that this advice applies to all people, that is referring to a long journey, due to the various dangers on the road, such as potholes or bandits, which are more dangerous at night.

Perek **VII**
Daf **91** Amud **b**

״הִנֵּה הוּא זֹרֶה אֶת גֹּרֶן הַשְּׂעֹרִים״.

"And now is there not Boaz our kinsman, whose maidens you were with? **Behold, he winnows barley tonight in the threshing floor** … and it shall be, when he lies down, that you shall mark the place where he shall lie" (Ruth 3:2–3). This teaches that the reason Boaz did not return home from the threshing floor was that a Torah scholar should not go out alone at night.

רַבִּי אַבָּהוּ אָמַר מֵהָכָא: ״וַיַּשְׁכֵּם אַבְרָהָם בַּבֹּקֶר וַיַּחֲבֹשׁ אֶת״ וגו׳.

Rabbi Abbahu said that the source is **from here: "And Abraham rose early in the morning, and saddled** his donkey, and took two of his young men with him and Isaac his son; and he split the wood for the burnt offering, and rose up, and went to the place that God had told him" (Genesis 22:3). The fact that Abraham waited until morning and did not set off at night, even though others were traveling with him, indicates that a Torah scholar should not go out at night at all, and certainly not alone.

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וְרַבָּנַן אָמְרִי מֵהָכָא: ״לֵךְ נָא רְאֵה אֶת שְׁלוֹם אַחֶיךָ וְאֶת שְׁלוֹם״ וגו׳.

And the Rabbis say that the source is **from here,** the verse that describes when Jacob sent Joseph to his brothers: "And he said to him: **Go now, see whether it is well with you brothers and well** with the flock; and bring me back word. So he sent him out of the valley of Hebron, and he came to Shechem" (Genesis 37:14). The verse indicates that Jacob sent Joseph at a time when he could see his brothers, i.e., during the day. This shows that a Torah scholar should not go out alone at night.

רַב אֲמַר מֵהָכָא: ״וַיִּזְרַח לוֹ הַשֶּׁמֶשׁ״.

Rav said that the source is **from here: "And the sun rose for him** as he passed over Peniel, and he limped upon his thigh" (Genesis 32:32). This indicates that Jacob remained where he was all night and left in the morning, because a Torah scholar should not go out alone at night.

אָמַר רַבִּי עֲקִיבָא: שָׁאַלְתִּי אֶת רַבָּן גַּמְלִיאֵל וְאֶת רַבִּי יְהוֹשֻׁעַ בְּאִיטְלִיז שֶׁל אֵימָאוּם, שֶׁהָלְכוּ לִיקַּח בְּהֵמָה לְמִשְׁתֵּה בְּנוֹ שֶׁל רַבָּן גַּמְלִיאֵל, כְּתִיב ״וַיִּזְרַח לוֹ הַשֶּׁמֶשׁ״, וְכִי שֶׁמֶשׁ לוֹ לְבַד זָרְחָה? וַהֲלֹא לְכָל הָעוֹלָם זָרְחָה!

The Gemara cites an incident involving the final verse cited above. **Rabbi Akiva says: I asked** the following question of **Rabban Gamliel and Rabbi Yehoshua in the meat market** [***be'itliz***][L] **of** the town **Emmaus,**[B] **where they went to purchase an animal for the** wedding **feast of Rabban Gamliel's son: It is written** in the verse: **"And the sun shone for him** when he passed Peniel, and he limped upon his thigh" (Genesis 32:32). **But did the sun shine only for him? Didn't it shine for the entire world?**

אָמַר רַבִּי יִצְחָק: שֶׁמֶשׁ הַבָּאָה בַּעֲבוּרוֹ, זָרְחָה בַּעֲבוּרוֹ, דִּכְתִיב ״וַיֵּצֵא יַעֲקֹב מִבְּאֵר שָׁבַע וַיֵּלֶךְ חָרָנָה״, וּכְתִיב ״וַיִּפְגַּע בַּמָּקוֹם״, כִּי מְטָא לְחָרָן אֲמַר: אֶפְשָׁר עָבַרְתִּי עַל מָקוֹם שֶׁהִתְפַּלְּלוּ אֲבוֹתַי, וַאֲנִי לֹא הִתְפַּלַּלְתִּי? כַּד יָהֵיב דַּעְתֵּיהּ לְמֵיהַדַּר – קָפְצָה לֵיהּ אַרְעָא, מֵיָד – ״וַיִּפְגַּע בַּמָּקוֹם״.

Rabbi Yitzḥak says: The verse means that **the sun, which set** early exclusively **for him,** also **shone** early exclusively **for him** in order to rectify the disparity created by the premature sunset. The Gemara explains when the sun set early for him: **As it is written: "And Jacob went out from Beersheba and went toward Haran"** (Genesis 28:10). **And it is written** thereafter: **"And he encountered the place,** and he slept there, because the sun had set" (Genesis 28:11). **When** Jacob **arrived at Haran, he said:** Is it **possible** that **I passed a place where my fathers prayed and I did not pray** there? **When he set his mind to return, the land contracted for him. Immediately** the verse states: **"And he encountered the place,"** indicating that he arrived there miraculously.

כַּד צְלִי בָּעֵי לְמֵיהַדַּר, אֲמַר הַקָּדוֹשׁ בָּרוּךְ הוּא: צַדִּיק זֶה בָּא לְבֵית מְלוֹנִי, וְיִפָּטֵר בְּלֹא לִינָה? מֵיָד בָּא הַשֶּׁמֶשׁ.

When he had finished **praying** and **he wanted to return** to Haran, **the Holy One, Blessed be He, said: This righteous man came to my lodging place and he will depart without remaining overnight? Immediately, the sun set** before its proper time so that Jacob would stay overnight in that place.

כְּתִיב ״וַיִּקַּח מֵאַבְנֵי הַמָּקוֹם״, וּכְתִיב ״וַיִּקַּח אֶת הָאֶבֶן״! אָמַר רַבִּי יִצְחָק: מְלַמֵּד שֶׁנִּתְקַבְּצוּ כָּל אוֹתָן אֲבָנִים לְמָקוֹם אֶחָד, וְכָל אַחַת וְאַחַת אוֹמֶרֶת ״עָלַי יָנִיחַ צַדִּיק זֶה רֹאשׁוֹ״. תָּנָא: וְכוּלָּן נִבְלְעוּ בְּאֶחָד.

The Gemara cites another exposition of Rabbi Yitzḥak to explain an apparent contradiction between two verses pertaining to this incident. **It is written: "And he took of the stones of the place,** and placed them under his head, and lay down in that place to sleep" (Genesis 28:11). **And it is written:** "And Jacob rose up early in the morning, **and he took the stone** that he had placed under his head, and set it up for a pillar, and poured oil upon the top of it" (Genesis 28:18). The first verse indicates that Jacob took several stones, whereas the latter verse indicates that he took only one stone. **Rabbi Yitzḥak says:** This **teaches that all those stones gathered to one place and each one said:** Let **this righteous man place his head upon me.** And it was **taught: And all of them were absorbed into one** large rock.

״וַיַּחֲלֹם וְהִנֵּה סֻלָּם מֻצָּב אַרְצָה״, תָּנָא: כַּמָּה רָחְבוֹ שֶׁל סוּלָּם – שְׁמוֹנַת אֲלָפִים פַּרְסָאוֹת, דִּכְתִיב ״וְהִנֵּה מַלְאֲכֵי אֱלֹהִים עֹלִים וְיֹרְדִים בּוֹ״, ״עֹלִים״ – שְׁנַיִם, ״וְיֹרְדִים״ – שְׁנַיִם, וְכִי פָּגְעוּ בַּהֲדֵי הֲדָדֵי – הָווּ לְהוּ אַרְבָּעָה,

The Gemara expounds other verses pertaining to the same incident. The verse states: **"And he dreamed, and behold a ladder set up on the earth,** and the top of it reached to heaven; and behold the angels of God ascending and descending on it" (Genesis 28:12). It was **taught: How wide was the ladder?** It was **eight thousand parasangs** [***parsaot***],[L] **as it is written: "And behold the angels of God ascending and descending on it."** The word **"ascending** [***olim***]," written in plural, indicates that there were **two** angels ascending simultaneously. Likewise, the term **"and descending** [***veyordim***]," also in the plural, indicates that **two** angels were descending simultaneously. **And when they met one another they were** a total of **four** in one place, so the ladder must have been wide enough to accommodate four angels.

LANGUAGE

Meat market [*itliz*] – **אִיטְלִיז:** Most experts hold that *itliz* is derived from the Greek **κατάλυσις**, *katalusis*, meaning resting place, quarters, marketplace, or communal square. Some hold that the source is the Greek word **ἀτελής**, *atelēs*, meaning a tax-exempt area, and by extension a trade fair.

Parasang [*parsa*] – **פַּרְסָא:** From the Middle Persian frasang, via the Greek **παρασάγγης**, *parasangēs*, which is a unit of measurement. In the Talmud, one parasang [*parsa*] is equal to four *mil*.

BACKGROUND

Emmaus – **אֵימָאוּם:** An ancient Judean town approximately 30 km northwest of the Old City of Jerusalem, near modern-day Latrun. Emmaus marks the border between the Judean hills and the plains, and was mentioned in the books of the Hasmoneans (I Maccabees 3:55–4:22). Over the years, it developed into a resort town due to the hot springs and baths there. In fact, the name Emmaus is the Latin translation of the original Hebrew name *Ḥamat*, meaning warm spring. From the Gemara here it appears that it was also an important center for trade.

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LANGUAGE

Image [*deyokan*] – דְּיוֹקָן: Some hold that this word comes from the Greek δείκανον, *deikanon*, meaning an engraved or embroidered image. The *ge'onim* explain that it is a combination of two words, *dio-ikonin*, from the Greek εἰκών, *eikon*, meaning image or form. The word therefore means a duplicate or copy of an image.

Gambler [*kuveyustus*] – קוּבְיוּסְטוּס: From the Greek κυβευτής, *kubeutēs*, meaning one who plays with dice.

וּכְתִיב בֵּיהּ בַּמַּלְאָךְ "וּגְוִיָּתוֹ כְּתַרְשִׁישׁ", וּגְמִירִי דְּתַרְשִׁישׁ תְּרֵי אַלְפֵי פַּרְסֵי הָווּ.

And it is written in a verse **with regard to an angel: "His body was like Tarshish"** (Daniel 10:6). **And** it **is learned** as a tradition **that** the city of **Tarshish was two thousand parasangs.** Consequently, in order to accommodate four angels, the ladder must have been eight thousands parasangs wide.

תָּנָא: עוֹלִין וּמִסְתַּכְּלִין בִּדְיוֹקְנוֹ שֶׁל מַעְלָה, וְיוֹרְדִין וּמִסְתַּכְּלִין בִּדְיוֹקְנוֹ שֶׁל מַטָּה. בָּעוּ לְסַכּוּנֵיהּ, מִיָּד – "וְהִנֵּה ה' נִצָּב עָלָיו". אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: אִלְמָלֵא מִקְרָא כָּתוּב, אִי אֶפְשָׁר לְאָמְרוֹ – כְּאָדָם שֶׁמְּנִיף עַל בְּנוֹ.

It was **taught** that the angels were **ascending and gazing at the image of** [***bidyokeno***]^{L} Jacob **above,**^{B} engraved on the Throne of Glory, **and descending and gazing at his image below.** The angels subsequently became jealous of Jacob, and **wanted to endanger** his life. **Immediately** Jacob received divine protection, as the verse states: **"And behold, the Lord stood over him"** (Genesis 28:13). **Rabbi Shimon ben Lakish says: Were it not written** in a **verse it would be impossible to utter it,** in deference to God, since it describes God as standing over Jacob to protect him from the angels **like a man who waves** a fan **over his son** to cool him down.

"הָאָרֶץ אֲשֶׁר אַתָּה שֹׁכֵב עָלֶיהָ" וגו' – מַאי רְבוּתֵיהּ? אָמַר רַבִּי יִצְחָק: מְלַמֵּד שֶׁקִּפְּלָהּ הַקָּדוֹשׁ בָּרוּךְ הוּא לְכָל אֶרֶץ יִשְׂרָאֵל וְהִנִּיחָהּ תַּחַת יַעֲקֹב אָבִינוּ, שֶׁתְּהֵא נוֹחָה לִיכָּבֵשׁ לִבָּנָיו.

The Gemara explains another verse from Jacob's dream. "And behold, the Lord stood over him and said: I am the Lord, the God of Abraham your father and the God of Isaac. **The land upon which you lie,** to you will I give it, and to your seed" (Genesis 28:13). The Gemara asks: **What is the greatness** of this promise, i.e., why is it expressed in this way despite the fact that in a literal sense Jacob was lying on a very small amount of land? **Rabbi Yitzḥak says:** This **teaches that the Holy One, Blessed be He, folded** up **the entirety of Eretz Yisrael and placed it under Jacob, our patriarch, so that it would be easy for his children to conquer.**

"וַיֹּאמֶר שַׁלְּחֵנִי כִּי עָלָה הַשָּׁחַר", אָמַר לוֹ: גַּנָּב אַתָּה, אוֹ קוּבְיוּסְטוּס אַתָּה, שֶׁמִּתְיָירֵא מִן הַשַּׁחַר? אָמַר לוֹ: מַלְאָךְ אֲנִי, וּמִיּוֹם שֶׁנִּבְרֵאתִי לֹא הִגִּיעַ זְמַנִּי לוֹמַר שִׁירָה עַד עַכְשָׁיו.

The Gemara returns to the verses that describe Jacob wrestling with the angel. **"And he said: Let me go, for the dawn has risen.** And he said: I will not let you go until you bless me" (Genesis 32:27). Jacob **said to** the angel: **Are you a thief, or are you a gambler** [***kuveyustus***],^{L} **who is afraid of dawn?** The angel **said to him: I am an angel, and from the day I was created my time to recite a song** before God **has not arrived, until now.** Now I must ascend so that I can sing songs of praise to God.

מְסַיַּיע לֵיהּ לְרַב חֲנַנְאֵל אָמַר רַב, דַּאֲמַר רַב חֲנַנְאֵל אָמַר רַב: שָׁלֹשׁ כִּתּוֹת שֶׁל מַלְאָכֵי הַשָּׁרֵת אוֹמְרוֹת שִׁירָה בְּכָל יוֹם, אַחַת אוֹמֶרֶת "קָדוֹשׁ", וְאַחַת אוֹמֶרֶת "קָדוֹשׁ", וְאַחַת אוֹמֶרֶת "קָדוֹשׁ ה' צְבָאוֹת".

The Gemara comments: This **supports** the opinion **of Rav Ḥananel** when he related what **Rav said. As Rav Ḥananel said** that **Rav said: Three groups of ministering angels recite a song every day** from the verse "Holy, holy, holy is the Lord"; **one says: "Holy," and** another **one says: "Holy," and** another **one says: "Holy is the Lord of hosts;** the whole earth is full of His glory" (Isaiah 6:3).

מֵיתִיבִי: חֲבִיבִין יִשְׂרָאֵל לִפְנֵי הַקָּדוֹשׁ בָּרוּךְ הוּא יוֹתֵר מִמַּלְאֲכֵי הַשָּׁרֵת – שֶׁיִּשְׂרָאֵל אוֹמְרִים שִׁירָה בְּכָל שָׁעָה, וּמַלְאֲכֵי הַשָּׁרֵת אֵין אוֹמְרִים שִׁירָה אֶלָּא פַּעַם אַחַת בְּיוֹם, וְאָמְרִי לָהּ: פַּעַם אַחַת בְּשַׁבָּת, וְאָמְרִי לָהּ: פַּעַם אַחַת בְּחוֹדֶשׁ, וְאָמְרִי לָהּ: פַּעַם אַחַת בְּשָׁנָה, וְאָמְרִי לָהּ: פַּעַם אַחַת בְּשָׁבוּעַ, וְאָמְרִי לָהּ: פַּעַם אַחַת בְּיוֹבֵל, וְאָמְרִי לָהּ: פַּעַם אַחַת בָּעוֹלָם.

The Gemara **raises an objection** from the following *baraita*: **The Jewish people are more dear to the Holy One, Blessed be He, than the ministering angels, as the Jewish people** may **recite a song** of praise to God **at any time, but ministering angels recite a song** of praise **only one time per day. And some say** that the ministering angels recite a song of praise **one time per week. And some say** that they recite a song of praise **one time per month. And some say** that they recite a song of praise **one time per year. And some say** that they recite a song of praise **one time in** every **seven years. And some say** that they recite a song of praise **one time per Jubilee. And some say** that they recite a song of praise **one time in** the entire history of **the world.**

וְיִשְׂרָאֵל מַזְכִּירִין אֶת הַשֵּׁם אַחַר שְׁתֵּי תֵּיבוֹת, שֶׁנֶּאֱמַר "שְׁמַע יִשְׂרָאֵל ה'" וגו', וּמַלְאֲכֵי הַשָּׁרֵת אֵין מַזְכִּירִין אֶת הַשֵּׁם אֶלָּא לְאַחַר שָׁלֹשׁ תֵּיבוֹת, דִּכְתִיב "קָדוֹשׁ קָדוֹשׁ קָדוֹשׁ ה' צְבָאוֹת".

And furthermore, **the Jewish people mention the name** of God **after two words, as it is stated: "Hear, Israel: The Lord** our God, the Lord is one" (Deuteronomy 6:4). **But the ministering angels mention the name** of God **only after three words, as it is written:** "And one called unto another, and said: **"Holy, holy, holy is the Lord of hosts;** the whole earth is full of His glory" (Isaiah 6:3).

BACKGROUND

The image of above – דְּיוֹקְנוֹ שֶׁל מַעְלָה: In his vision of heaven, Ezekiel describes angels with four faces. "As for the likeness of their faces, they had the face of a man; and the four had the face of a lion on the right side; and the four had the face of an ox on the left side; and the four had also the face of an eagle" (Ezekiel 1:10). There is a tradition that the face of the man was the face of Jacob, which may be the image referred to in the Gemara here.

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וְאֵין מַלְאֲכֵי הַשָּׁרֵת אוֹמְרִים שִׁירָה לְמַעְלָה, עַד שֶׁיֹּאמְרוּ יִשְׂרָאֵל לְמַטָּה, שֶׁנֶּאֱמַר ״בְּרָן יַחַד כּוֹכְבֵי בֹקֶר״, וַהֲדַר ״וַיָּרִיעוּ כָּל בְּנֵי אֱלֹהִים״!

And the ministering angels do not recite their **song above until the Jewish people recite** their song **below,** on earth, **as it is stated:** "**When the morning stars sang together**" (Job 38:7), referring to the Jewish people, who are compared to stars; **and** only **then** does the verse state: "**And all the sons of God shouted for joy,**" which is a reference to the angels. This *baraita* teaches that the angels mention the name of God only after three words, i.e., after saying the word "holy" three times, whereas according to what Rav Ḥananel stated that Rav said, the third group of angels says the word "holy" once and then immediately mentions the name of God.

אֶלָּא: אַחַת אוֹמֶרֶת ״קָדוֹשׁ״, וְאַחַת אוֹמֶרֶת ״קָדוֹשׁ קָדוֹשׁ״, וְאַחַת אוֹמֶרֶת ״קָדוֹשׁ קָדוֹשׁ קָדוֹשׁ ה׳ צְבָאוֹת״. וְהָאֵיכָא ״בָּרוּךְ״!

The Gemara emends Rav Ḥananel's statement citing Rav: **Rather,** Rav said that **one** group of ministering angels **says: "Holy," and** another **one says: "Holy, holy," and** another **one says: "Holy, holy, holy is the Lord of hosts."** The Gemara challenges the statement of the *baraita* that the angels mention the name of God only after three words: **But there is** the verse: "Then a spirit lifted me up, and I heard behind me the voice of a great rushing: **Blessed be** the glory of the Lord from His place" (Ezekiel 3:12). In this praise, "Blessed be the glory of the Lord," the word "Lord" appears as the third Hebrew word, apparently uttered by the ministering angels.

Perek **VII**
Daf **92** Amud **a**

״בָּרוּךְ״ – אוֹפַנִּים הוּא דְּאָמְרִי לֵיהּ. וְאִיבָּעֵית אֵימָא: כֵּיוָן דְּאִתְיְהִיב רְשׁוּתָא – אִתְיְהִיב.

The Gemara answers that it is the ***ofanim* who say** the verse: "**Blessed be** the glory of the Lord from His place," as the next verse mentions "the noise of the *ofanim*" (Ezekiel 3:13), and Rav Ḥanina's statement citing Rav was referring not to *ofanim* but to ministering angels. **And if you wish, say** that **once permission has been given** to them to mention the name of God after three words when they say: "Holy, holy, holy," permission is also **given** to them to mention the name of God again while praising Him even after fewer than three words.

״וַיִּשָּׂר אֶל מַלְאָךְ וַיֻּכָל בָּכָה וַיִּתְחַנֶּן לוֹ״, אֵינִי יוֹדֵעַ מִי נִצָּח שַׂר לְמִי, כְּשֶׁהוּא אוֹמֵר: ״כִּי שָׂרִיתָ עִם אֱלֹהִים״, הֲוֵי אוֹמֵר: יַעֲקֹב נִצָּח שַׂר לַמַּלְאָךְ.

The Gemara continues to discuss Jacob wrestling with the angel. The prophet states: "**So he strove** [*vayyasar*] **with an angel, and prevailed; he wept, and made supplication to him;** at Beth El he would find him, and there he would speak with us" (Hosea 12:5). From this verse **I do not know who became master** [*sar*], i.e., was victorious, **over whom. When** another verse **states:** "And he said: Your name shall no longer be called Jacob, but Israel; **for you have striven with angels** and with men, and have prevailed" (Genesis 32:29), **you must say** that **Jacob became master over the angel.**

״בָּכָה וַיִּתְחַנֶּן לוֹ״, אֵינִי יוֹדֵעַ מִי בָּכָה לְמִי, כְּשֶׁהוּא אוֹמֵר: ״וַיֹּאמֶר שַׁלְּחֵנִי״, הֲוֵי אוֹמֵר: מַלְאָךְ בָּכָה לְיַעֲקֹב.

The verse in Hosea states: "**He wept, and made supplication to him.**" From this verse **I do not know who cried to whom. When** another verse **states: "And he said: Let me go,** for the dawn has risen" (Genesis 32:27), **you must say** that **the angel cried to Jacob.**

״כִּי שָׂרִיתָ עִם אֱלֹהִים וְעִם אֲנָשִׁים״, אָמַר רַבָּה: רָמְזוּ רָמְזוּ לוֹ שְׁנֵי שָׂרִים לָיָצֵאת מִמֶּנּוּ – רֹאשׁ גּוֹלָה שֶׁבְּבָבֶל, וְנָשִׂיא שֶׁבְּאֶרֶץ יִשְׂרָאֵל, מִכָּאן רָמַז לוֹ גָּלוּת.

The verse states: "And he said: Your name shall no longer be called Jacob, but Israel; **for you have striven with angels** [***elohim***] **and with men,** and have prevailed" (Genesis 32:29). **Rabba says:** The angel **intimated to** Jacob **that in the future two princes would emerge from him:** They are the **Exilarch**[B] **who is in Babylonia and the *Nasi* who is in Eretz Yisrael.**[BN] And **from here he** also **intimated to** Jacob that there would be **an exile.**

BACKGROUND

Exilarch [*reish galuta*] – רֵישׁ גָּלוּתָא: The Exilarch, who was always a descendant of the House of David was recognized by the Jews as the heir to the scepter of Judah (see Genesis 49:10) and entrusted with broad official powers. As the leader of the Jews of the Persian Empire, he was their representative to the authorities, who regarded him as a member of a royal dynasty. Consequently, he enjoyed a lofty position within the Persian court, and in certain periods he was considered third in the royal hierarchy.

The Exilarch was responsible for the collection of a major portion of the government taxes and could appoint leaders and judges whose powers included the imposition of corporal, and sometimes capital, punishment. Adjacent to the Exilarch's home was a special rabbinical court appointed by him to judge monetary cases. The Exilarchs themselves were referred to in the Talmud by the honorific title *Mar* before or after their name. While not all were learned, they were devoted to the Torah, and some were significant scholars.

The *Nasi* who is in Eretz Yisrael – נָשִׂיא שֶׁבְּאֶרֶץ יִשְׂרָאֵל: The *Nasi*, chosen for his wisdom, was the president of the High Court in Eretz Yisrael, and for a long period this was considered the highest position within the Jewish people. Many of those *Nesi'im* who are known by name are from the time of the *tanna'im*, beginning with Hillel.

Aside from his duties in the High Court, the *Nasi* represented the Jewish people to the Roman rulers and participated in certain halakhic rulings, e.g., establishing the New Month. He also appointed representatives to act on his behalf in collecting taxes from the Jewish communities in exile, used to support the office of the *Nasi*. This tax was ratified by Imperial Rome, and collected under Roman authority.

NOTES

The Exilarch who is in Babylonia and the *Nasi* who is in Eretz Yisrael – רֹאשׁ גּוֹלָה שֶׁבְּבָבֶל וְנָשִׂיא שֶׁבְּאֶרֶץ יִשְׂרָאֵל: Rashi explains that the word *elohim*, which can refer to judges (see Exodus 22:8), is an allusion to the *Nasi* of Eretz Yisrael, who was formally granted ordination. The word "men" alludes to the Exilarch in Babylonia.

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BACKGROUND

Rabbana – רַבָּנָא: This special title was given to Sages who were from the family of the Exilarch. They were known as Rabbana rather than as Rav, to indicate their prestigious lineage.

LANGUAGE

Young priests [*pirḥei khehunna*] – פִּרְחֵי כְהוּנָּה: The word *pirḥei* refers to something young and small that is still in the process of maturation and blooming, as in *peraḥ*, a flower, or the Aramaic *pirḥata*, meaning chick. Accordingly, *pirḥei kehunna* means young priests.

״וּבַגֶּפֶן שְׁלֹשָׁה שָׂרִיגִם״, אָמַר רַב חִיָּיא בַּר אַבָּא, אָמַר רַב: אֵלּוּ שְׁלֹשָׁה שָׂרֵי גֵּאִים הַיּוֹצְאִים מִיִּשְׂרָאֵל בְּכָל דּוֹר וָדוֹר, פְּעָמִים שֶׁשְּׁנֵיִם בָּאן וְאֶחָד בְּאֶרֶץ יִשְׂרָאֵל, פְּעָמִים שֶׁשְּׁנַיִם בְּאֶרֶץ יִשְׂרָאֵל וְאֶחָד כָּאן. יְהִיבוּ רַבָּנַן עֵינַיְיהוּ בְּרַבָּנָא עוּקְבָא וְרַבָּנָא נְחֶמְיָה בְּנֵי בְּרַתֵּיהּ דְּרַב.

Similarly, with regard to the dream of Pharaoh's butler, the verse states: **"And in the vine were three branches** [*sarigim*]; and as it was budding, its blossoms shot forth, and its clusters brought forth ripe grapes" (Genesis 40:10). **Rav Ḥiyya bar Abba says** that **Rav says: These** three branches refer to the **three proud princes** [*sarei ge'im*] **who emerge from the Jewish people in each and every generation.** There are **times** when **two are here** in Babylonia **and one is in Eretz Yisrael,** and there are **times** when **two are in Eretz Yisrael and one is here** in Babylonia. When this was stated in the study hall, **the Sages** present **turned their eyes toward Rabbana**[B] **Ukva and Rabbana Neḥemya,**[P] **the sons of the daughter of Rav,** who were from the family of the Exilarch and were two leaders of the generation who resided in Babylonia.

רָבָא אָמַר: אֵלּוּ שְׁלֹשָׁה שָׂרֵי גּוֹיִם שֶׁמְּלַמְּדִים זְכוּת עַל יִשְׂרָאֵל בְּכָל דּוֹר וָדוֹר.

Rava says a different explanation of the verse: **These** three branches [*sarigim*] **are the three ministering** angels appointed to oversee **the gentiles** [*sarei goyim*], **who plead in favor of the Jewish people in each and every generation.**

תַּנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: ״גֶּפֶן״ – זֶה הָעוֹלָם, ״שְׁלֹשָׁה שָׂרִיגִם״ – זֶה אַבְרָהָם יִצְחָק וְיַעֲקֹב, ״וְהִיא כְּפֹרַחַת עָלְתָה נִצָּהּ״ – אֵלּוּ הָאִמָּהוֹת, ״הִבְשִׁילוּ אַשְׁכְּלֹתֶיהָ עֲנָבִים״ – אֵלּוּ הַשְּׁבָטִים.

It is taught in a *baraita*: **Rabbi Eliezer says** an alternate interpretation of the verse. **"Vine"; this** is a reference to **the world. "Three branches"; this** is a reference to **Abraham, Isaac, and Jacob. "And as it was budding, its blossoms shot forth"; these are the matriarchs. "And its clusters brought forth ripe grapes"; these are the** twelve **tribes,** i.e., the twelve sons of Jacob.

אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ: וְכִי מַרְאִין לוֹ לָאָדָם מַה שֶּׁהָיָה? וַהֲלֹא אֵין מַרְאִין לוֹ לָאָדָם אֶלָּא מַה שֶּׁעָתִיד לִהְיוֹת! אֶלָּא: ״גֶּפֶן״ – זֶה תּוֹרָה, ״שְׁלֹשָׁה שָׂרִיגִים״ – אֵלּוּ מֹשֶׁה וְאַהֲרֹן וּמִרְיָם, ״וְהִיא כְּפֹרַחַת עָלְתָה נִצָּהּ״ – אֵלּוּ סַנְהֶדְרִין, ״הִבְשִׁילוּ אַשְׁכְּלֹתֶיהָ עֲנָבִים״ – אֵלּוּ הַצַּדִּיקִים שֶׁבְּכָל דּוֹר וָדוֹר.

Rabbi Yehoshua said to him: But is a person shown in a dream **what was** in the past? **Isn't** it true that **one is shown only what will be in the future?** Since the patriarchs, matriarchs, and sons of Jacob were all born prior to this dream, the dream was not alluding to them. **Rather,** the verse should be interpreted as follows: **"Vine"; this** is a reference to **the Torah. "Three branches"; these are Moses, Aaron, and Miriam. "And as it was budding, its blossoms shot forth"; these are the** members of the **Sanhedrin. "And its clusters brought forth ripe grapes"; these are the righteous** people **who** live **in each and every generation.**

אָמַר רַבָּן גַּמְלִיאֵל: עֲדַיִן צְרִיכִין אָנוּ לְמוֹדְעִי, דְּמוּקִים לֵיהּ כּוּלֵּיהּ בְּחַד מָקוֹם. רַבִּי אֶלְעָזָר הַמּוֹדָעִי אוֹמֵר: ״גֶּפֶן״ – זֶה יְרוּשָׁלַיִם, ״שְׁלֹשָׁה שָׂרִיגִים״ – זֶה מִקְדָּשׁ, מֶלֶךְ, וְכֹהֵן גָּדוֹל, ״וְהִיא כְּפֹרַחַת עָלְתָה נִצָּהּ״ – אֵלּוּ פִּרְחֵי כְהוּנָּה, ״הִבְשִׁילוּ אַשְׁכְּלֹתֶיהָ עֲנָבִים״ – אֵלּוּ נְסָכִים.

Rabban Gamliel said: In order to understand this verse (Genesis 40:10) **we still need** the explanation **of** Rabbi Elazar **HaModa'i,**[P] **who** is an expert in matters of *aggada,* as he **interprets all of** the phrases in the verse as referring to **one location. Rabbi Elazar HaModa'i says: "Vine"; this** is a reference to **Jerusalem. "Three branches"; this** is a reference to the **Temple,** the **king and** the **High Priest. "And as it was budding** [*poraḥat*]**, its blossoms shot forth"; these are the young priests** [*pirḥei khehunna*].[L] **"And its clusters brought forth ripe grapes"; these are the** wine **libations.**

רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מוֹקִים לָהּ בְּמַתָּנוֹת, דַּאֲמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: ״גֶּפֶן״ – זוֹ תּוֹרָה, ״שְׁלֹשָׁה שָׂרִיגִים״ – זֶה בְּאֵר, עַמּוּד עָנָן, וּמָן, ״וְהִיא כְּפֹרַחַת עָלְתָה נִצָּהּ״ – אֵלּוּ הַבְּכוּרִים, ״הִבְשִׁילוּ אַשְׁכְּלֹתֶיהָ עֲנָבִים״ – אֵלּוּ נְסָכִים.

Rabbi Yehoshua ben Levi interprets it with reference to the **gifts** that God gave the Jewish people, **as Rabbi Yehoshua ben Levi said: "Vine"; this** is a reference to the **Torah. "Three branches"; this** is a reference to the miraculous items that accompanied the Jewish people in the wilderness and sustained and protected them: The **well, the pillar of cloud, and the manna. "And as it was budding, its blossoms shot forth"; these are the first fruits** that are brought to the Temple. **"And its clusters brought forth ripe grapes"; these are** the wine **libations.**

PERSONALITIES

Rabbana Ukva and Rabbana Neḥemya – רַבָּנָא עוּקְבָא וְרַבָּנָא נְחֶמְיָה: Rabbana Ukva and Rabbana Neḥemya were the sons of Rav's daughter. Their honorific indicates that they were of the family of the Exilarch, and this is corroborated by other sources as well. There are indications that they were also grandsons of the Exilarch Mar Ukva, who was a contemporary and friend of Rav. Apparently, these two Sages were students of Rav Ḥisda, and Rabbana Ukva even delivered public homilies under Rav Ḥisda's direction. As they personified the confluence of Torah scholarship and greatness, i.e., wealth and power, in one place, they were described as: Lofty Princes of Israel. They lived in the city of Kafri, near Sura, the hometown of both Rav and Mar Ukva.

Rabbi Elazar HaModa'i – רַבִּי אֶלְעָזָר הַמּוֹדָעִי: Rabbi Elazar HaModa'i lived after the destruction of the Temple and was apparently a young student of Rabban Yoḥanan ben Zakkai. Most of the quotations cited in his name are aggadic in nature, and Rabban Gamliel often remarked with regard to his statements: We still need HaModa'i. As his name indicates, this Sage was from the city of Modi'in. Rabbi Elazar HaModa'i was the brother of bar Kokheva's mother, and he died during the siege of Beitar.

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רַבִּי יִרְמְיָה בַּר אַבָּא אָמַר: ״גֶּפֶן״ – אֵלּוּ יִשְׂרָאֵל, וְכֵן הוּא אוֹמֵר ״גֶּפֶן מִמִּצְרַיִם תַּסִּיעַ״, ״שְׁלֹשָׁה שָׂרִיגִים״ – אֵלּוּ שְׁלֹשָׁה רְגָלִים שֶׁיִּשְׂרָאֵל עוֹלִין בָּהֶן בְּכָל שָׁנָה וְשָׁנָה, ״וְהִיא כְּפֹרַחַת עָלְתָה נִצָּהּ״ – הִגִּיעַ זְמַנָּן שֶׁל יִשְׂרָאֵל לִפְרוֹת וְלִרְבּוֹת, וְכֵן הוּא אוֹמֵר ״וּבְנֵי יִשְׂרָאֵל פָּרוּ וַיִּשְׁרְצוּ״,

Rabbi Yirmeya bar Abba says: "Vine"; this is a reference to **the Jewish people, and similarly** another verse **states: "You plucked up a vine out of Egypt;** You drove out the nations and planted it" (Psalms 80:9). **"Three branches"; these are the three** pilgrimage **Festivals, on which the Jewish people ascend** to Jerusalem **every year. "And as it was budding, its blossoms shot forth,"** means that **the time has arrived for the Jewish people to be fruitful and multiply, and similarly** another verse **states: "And the children of Israel were fruitful, and increased abundantly,** and multiplied, and became exceeding mighty; and the land was filled with them" (Exodus 1:7).

״עָלְתָה נִצָּהּ״ – הִגִּיעַ זְמַן שֶׁל יִשְׂרָאֵל לִיגָּאֵל, וְכֵן הוּא אוֹמֵר ״וְיֵז נִצְחָם עַל בִּגְדַי וְכָל מַלְבּוּשַׁי אֶגְאָלְתִּי״, ״הִבְשִׁילוּ אַשְׁכְּלֹתֶיהָ עֲנָבִים״ – הִגִּיעַ זְמַנָּהּ שֶׁל מִצְרַיִם לִשְׁתּוֹת כּוֹס הַתַּרְעֵלָה.

"Its blossoms [*nitzah*] **shot forth"** means that **the time has arrived for the Jewish people to be redeemed. And similarly** another verse **states: "And their eternity** [*nitzḥam*] **is dashed against My garments, and I have redeemed all My raiment"** (Isaiah 63:3). **"And its clusters brought forth ripe grapes"** means that **the time has arrived for Egypt to drink the cup of fury,** i.e., to receive its punishment.

וְהַיְינוּ דַּאֲמַר רָבָא: שְׁלֹשָׁה כּוֹסוֹת הָאֲמוּרוֹת בְּמִצְרַיִם לָמָּה? אֶחָד שֶׁשָּׁתָה בִּימֵי מֹשֶׁה, וְאֶחָד שֶׁשָּׁתָה בִּימֵי פַּרְעֹה נְכֹה, וְאֶחָד שֶׁעֲתִידָה לִשְׁתּוֹת עִם כָּל הַגּוֹיִם.

And this is as Rava said: Why are there **three cups stated with regard to Egypt** in the dream of Pharaoh's butler (see Genesis 40:11)? They are an allusion to three cups of misfortune that would later befall Egypt: **One that** Egypt **drank in the days of Moses** during the ten plagues and the Exodus; **one that** Egypt **drank in the days of Pharaoh Nekho,** the king of Egypt defeated by Nebuchadnezzar; **and one that** Egypt **will drink in the future with all the** other **nations,** when they are punished in the time of the Messiah.

אָמַר לֵיהּ רַבִּי אַבָּא לְרַבִּי יִרְמְיָה בַּר אַבָּא: כִּי דָּרֵישׁ לְהוּ רַב לְהָנֵי קְרָאֵי בְּאַגַּדְתָּא – כְּוָותָךְ דָּרֵישׁ לְהוּ.

Rabbi Abba said to Rabbi Yirmeya bar Abba: When Rav interpreted these verses homiletically he interpreted them according to the way in which **you** have interpreted them, and not according to any of the other opinions cited above.

אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: אוּמָּה זוֹ כְּגֶפֶן נִמְשָׁלָה, זְמוֹרוֹת שֶׁבָּהּ – אֵלּוּ בַּעֲלֵי בָּתִּים, אֶשְׁכּוֹלוֹת שֶׁבָּהּ – אֵלּוּ תַּלְמִידֵי חֲכָמִים, עָלִין שֶׁבָּהּ – אֵלּוּ עַמֵּי הָאָרֶץ, קְנוֹקָנוֹת שֶׁבָּהּ – אֵלּוּ רֵיקָנִים שֶׁבְּיִשְׂרָאֵל.

Similar to Rabbi Yirmeya bar Abba's interpretation of the word vine as an allusion to the Jewish people, **Rabbi Shimon ben Lakish says: This nation is likened to a vine. The branches of** the vine support the clusters of grapes, the leaves, and the tendrils;[B] **these are** represented among the Jewish people by **the homeowners,** who provide financial support for the entire nation. **The clusters** of grapes **on** the vine, **these are the Torah scholars. The leaves on** the vine, which protect the grapes, **these are the ignoramuses,** who protect the Torah scholars. **The tendrils of** the vine, which do not directly serve the grapes themselves, **these are the empty** ones **of the Jewish people.**

וְהַיְינוּ דְּשָׁלְחוּ מִתָּם: לִיבְּעֵי רַחֲמִים אִיתְכַּלְיָא עַל עַלְיָא, דְּאִילְמָלֵא עַלְיָא לָא מִתְקַיְּימָן אִיתְכַּלְיָא.

And this is the meaning of the instruction **that they sent from there,** i.e., from Eretz Yisrael: **Let the clusters** of grapes **pray for the leaves, as were it not for the leaves, the clusters** of grapes **would not survive.**[N]

״וָאֶכְרֶה לִי בַּחֲמִשָּׁה עָשָׂר כָּסֶף״, אָמַר רַבִּי יוֹחָנָן מְשׁוּם רַבִּי שִׁמְעוֹן בֶּן יְהוֹצָדָק: אֵין כִּירָה אֶלָּא לְשׁוֹן מְכִירָה, שֶׁנֶּאֱמַר ״בִּקְבָרִי אֲשֶׁר כָּרִיתִי לִי״,

§ The Gemara cites homiletical interpretations of other verses that pertain to the leaders of the Jewish people in Eretz Yisrael and Babylonia. The verse states: **"So I bought her** [*va'ekkereha*] **to me for fifteen pieces of silver,** and a *ḥomer* of barley, and a half-*ḥomer* of barley" (Hosea 3:2). **Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak:** The term ***kira,*** which forms the basis of the verb *va'ekkereha,* **is nothing other than language** referring to **a sale** [***mekhira***]**, as it is stated** that Joseph said: "My father made me swear, saying: Lo, I die; **in my grave that I have acquired** [***kariti***] **for me** in the land of Canaan, there shall you bury me" (Genesis 50:5).

״בַּחֲמִשָּׁה עָשָׂר״ – זֶה חֲמִשָּׁה עָשָׂר בְּנִיסָן שֶׁבּוֹ נִגְאֲלוּ יִשְׂרָאֵל מִמִּצְרַיִם, ״כָּסֶף״ – אֵלּוּ צַדִּיקִים, וְכֵן הוּא אוֹמֵר ״צְרוֹר הַכֶּסֶף לָקַח בְּיָדוֹ״,

Rabbi Yoḥanan continues: **"For fifteen** pieces of silver"; **this** is a reference to **the fifteenth of Nisan,** the date **on which the Jewish people were redeemed from Egypt. "Silver"; these are the righteous** people. **And similarly,** another verse **states: "He has taken the bag of silver with him"** (Proverbs 7:20), a reference to God taking the righteous away prior to the destruction of the First Temple (see *Sanhedrin* 96b).

BACKGROUND

Branches, clusters, leaves, tendrils – זְמוֹרוֹת אֶשְׁכּוֹלוֹת עָלִין קְנוֹקָנוֹת:



Grape cluster and its supporting branch

NOTES

As were it not for the leaves the clusters would not survive – דְּאִילְמָלֵא עַלְיָא לָא מִתְקַיְּימָן אִיתְכַּלְיָא: As the leaves of the vine cover the clusters of grapes and protect them from wind and direct sunlight, they allow the clusters of grapes to survive. Similarly those who are not Torah scholars plow, sow, and harvest, providing the Torah scholars with food (Rashi).

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BACKGROUND

Ḥomer – חוֹמֶר: The *ḥomer*, referred to by the Sages as a *kor*, is the largest dry measure of volume that appears both in the Bible and in rabbinic literature. It is equal to ten ephah (Ezekiel 45:14), and each ephah is equal to three *se'a* (*Menaḥot* 76b); a *ḥomer* is therefore equivalent to thirty *se'a*. As there is a dispute with regard to the precise volume of a *se'a*, with opinions ranging from 7.2 to 14.4 ℓ, a *ḥomer* may be anywhere between 216 liters and 432 liters.

Half-*ḥomer* [*letekh*] – לֶתֶךְ: This measurement is mentioned once in the Bible (see Hosea 3:2). Although the origin of the term *letekh* is unknown, it is a dry measure of 15 *se'a*, or half of a *kor*.

The synagogue under the upper room – בֵּי כְּנִישְׁתָּא דְּרִתּוּתֵי אַפְּתָא: Some explain that this does not refer to a specific synagogue, but to a specific place in the synagogue, either under the balcony (Rashi) or a small building next to the side or back of the synagogue (Rashbam on *Bava Batra* 61a). According to both of these explanations this is the least desirable part of the synagogue, and the least important people sit there. Others explain that it is referring to a specific synagogue that was at the entrance to the city of Meḥoza in Babylonia. It was notable for its simplicity and the fact that the congregation consisted of people who were not particularly distinguished.

"חֹמֶר שְׂעֹרִים וְלֶתֶךְ שְׂעֹרִים" – אֵלּוּ אַרְבָּעִים וַחֲמִשָּׁה צַדִּיקִים שֶׁהָעוֹלָם מִתְקַיֵּים בָּהֶם, וְאֵינִי יוֹדֵעַ אִם שְׁלֹשִׁים כָּאן וַחֲמִשָּׁה עָשָׂר בְּאֶרֶץ יִשְׂרָאֵל וְאִם שְׁלֹשִׁים בְּאֶרֶץ יִשְׂרָאֵל וַחֲמִשָּׁה עָשָׂר כָּאן, כְּשֶׁהוּא אוֹמֵר "וָאֶקְחָה שְׁלֹשִׁים כֶּסֶף וָאַשְׁלִיךְ אֹתוֹ בֵּית ה' אֶל הַיּוֹצֵר", הֱוֵי אוֹמֵר – שְׁלֹשִׁים בְּאֶרֶץ יִשְׂרָאֵל וַחֲמִשָּׁה עָשָׂר כָּאן.

The verse states: **"A *ḥomer*[B] of barley, and a half-*ḥomer*[B] of barley."** A *ḥomer* equals thirty *se'a*, and a half-*ḥomer* equals fifteen *se'a*, totaling forty-five *se'a*; **these are the forty-five righteous** individuals **in whose** merit **the world** continues to **exist. And** although the verse alludes to the fact that thirty of these righteous individuals are in one place and fifteen are elsewhere, **I do not know if thirty are here** in Babylonia **and fifteen are in Eretz Yisrael, or if thirty are in Eretz Yisrael and fifteen are here** in Babylonia. **When it says** in a different verse: **"And I took the thirty pieces of silver and cast them into the treasury, in the house of the Lord"** (Zechariah 11:13), **you must say** that **thirty** of the righteous individuals are **in Eretz Yisrael and fifteen are here** in Babylonia.

אָמַר אַבַּיֵי: וְרוּבַּיְיהוּ מְשׁוּתָּפְחֵי בְּבֵי כְּנִישְׁתָּא דְּרִתּוּתֵי אַפְּתָא. וְהֵיינוּ דִּכְתִיב "וְאֹמַר אֲלֵיהֶם אִם טוֹב בְּעֵינֵיכֶם הָבוּ שְׂכָרִי וְאִם לֹא חֲדָלוּ וַיִּשְׁקְלוּ אֶת שְׂכָרִי שְׁלֹשִׁים כָּסֶף".

Abaye said: And most of the fifteen righteous individuals in Babylonia **are found in the synagogue under the upper room.**[B] **And this is** the meaning of that **which is written: "And I said to them: If it is good in your eyes, give me my hire; and if not, refrain. And they weighed for my hire thirty pieces of silver"** (Zechariah 11:12).[N]

רַבִּי יְהוּדָה אוֹמֵר: אֵלּוּ שְׁלֹשִׁים צַדִּיקֵי אוּמּוֹת הָעוֹלָם, שֶׁאוּמּוֹת הָעוֹלָם מִתְקַיְּימִים עֲלֵיהֶם, עוּלָּא אָמַר: אֵלּוּ שְׁלֹשִׁים מִצְוֹת שֶׁקִּבְּלוּ עֲלֵיהֶם בְּנֵי נֹחַ, וְאֵין מְקַיְּימִין אֶלָּא שְׁלֹשָׁה: אַחַת

Rabbi Yehuda says: These are the thirty righteous individuals among the **nations of the world, in whose** merit **the nations of the world** continue to **exist. Ulla says: These are the thirty mitzvot that the descendants of Noah** initially **accepted upon themselves;**[N] **but they fulfill only three** of them. **One** of these three mitzvot is

NOTES

And they weighed for my hire thirty pieces of silver – וַיִּשְׁקְלוּ אֶת שְׂכָרִי שְׁלֹשִׁים כָּסֶף: In this verse, the nations of the world return to God, as it were, the thirty righteous individuals that were placed among the nations of the world. In the following verse, God commands Zechariah to cast them into the Temple treasury, indicating that these thirty righteous individuals will exist among the Jewish people in every generation (Rashi). It would seem from Rashi's explanation that the righteous referred to here are Jews that were dispersed among the gentiles to provide them with additional merit. Other commentaries suggest that the straightforward meaning of the Gemara's language: Righteous among the nations of the world, indicates that these righteous individuals are in fact gentiles (Maharsha).

The thirty mitzvot that the descendants of Noah accepted upon themselves – שְׁלֹשִׁים מִצְוֹת שֶׁקִּבְּלוּ עֲלֵיהֶם בְּנֵי נֹחַ: In contrast to the interpretation given in the Gemara, in the Jerusalem Talmud (*Avoda Zara* 2:1) it is stated in the name of Rav Huna and in the name of Rav that these are the thirty mitzvot that the descendants of Noah will accept upon themselves in the future. Rabbi Menaḥem Azarya of Fano (*Asara Ma'amarot*) explains which mitzvot are included in those thirty.

Perek **VII**
Daf **92** Amud **b**

NOTES

That they do not weigh the flesh of the dead in butcher shops – שֶׁאֵין שׁוֹקְלִין בְּשַׂר הַמֵּת בְּמַקּוּלִין: Rashi gives two explanations of the term: Flesh of the dead. The first is that it is referring to the flesh of a human corpse, while the second is that it is referring to flesh of an animal carcass that died without being slaughtered.

LANGUAGE

Butcher shops [*makkulin*] – מַקּוּלִין: From the Latin macellum, meaning butcher's stall or meat market. Some commentaries understand this term as referring to people who sell their products in the market (*Tosafot* on 95a).

שֶׁאֵין כּוֹתְבִין כְּתוּבָּה לִזְכָרִים, וְאַחַת – שֶׁאֵין שׁוֹקְלִין בְּשַׂר הַמֵּת בְּמַקּוּלִין, וְאַחַת – שֶׁמְּכַבְּדִין אֶת הַתּוֹרָה.

that they do not write a marriage contract for a wedding between two **males;** although they violate the prohibition against engaging in homosexuality, they are not so brazen as to write a marriage contract as for a regular marriage. **And one** of the three mitzvot is **that** although they are suspected of eating human beings, **they do not weigh the flesh of the dead in butcher shops** [*bemakkulin*][NL] and sell it publicly; **and one** is **that they honor the Torah.**

וְאֵינוֹ נוֹהֵג בָּעוֹף. וְהָא קָא חָזֵינַן דְּאִית לֵיהּ! אִית לֵיהּ וְלָא עָגִיל.

§ The mishna teaches (89b) that the prohibition of eating the sciatic nerve **does not apply to a bird** due to the fact that the verse is referring to the sciatic nerve as being "upon the spoon of the thigh" (Genesis 32:33), and a bird has no spoon of the thigh. The Gemara challenges: **But we see that it does have** a protrusion of flesh on its thigh. The Gemara answers: **It has** a protrusion, **but** that protrusion is **not rounded.**[B]

BACKGROUND

It has a protrusion but it is not rounded – אִית לֵיהּ וְלָא עָגִיל: The femur of a bird, unlike that of an animal, is pointed at the end rather than rounded. Therefore birds are not included in the prohibition of the sciatic nerve, which is defined by the Torah with the term: "The spoon of the thigh" (Genesis 32:33), understood by the Gemara (96a) to mean rounded and convex like a spoon.

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בָּעֵי רַבִּי יִרְמְיָה: אִית לֵיהּ לָעוֹף – וְעָגֵיל, אִית לֵיהּ לַבְּהֵמָה – וְלָא עָגֵיל, מַאי, בָּתַר דִּידֵיהּ אָזְלִינַן, אוֹ בָּתַר מִינֵיהּ אָזְלִינַן? תֵּיקוּ.

Rabbi Yirmeya raises a dilemma: If **a bird has** a protrusion on its thigh bone **and it is rounded,**[H] or **an animal has** a protrusion on its thigh bone **but it is not rounded,**[H] **what** is the *halakha*? **Do we follow it,** i.e., does the status of the sciatic nerve depend upon the physical properties of each particular animal, **or do we follow its species,** so that the sciatic nerve of an animal is always forbidden and that of a bird is always permitted? The Gemara responds: The question **shall stand** unresolved.

״וְנוֹהֵג בַּשָּׁלִיל״. אָמַר שְׁמוּאֵל: וְחֶלְבּוֹ מוּתָּר לְדִבְרֵי הַכֹּל.

§ The mishna states that the prohibition of the sciatic nerve **applies to** a late-term animal **fetus** in the womb. Rabbi Yehuda says: It does not apply to a fetus; and its fat is permitted. **Shmuel says:** When the mishna states: **And its fat is permitted,** that is **according to everyone.**

חֶלְבּוֹ דְּמַאי? אִילֵימָא דְּשָׁלִיל – וְהָא מִיפְּלַג פְּלִיגִי בֵּיהּ! דְּתַנְיָא: נוֹהֵג בַּשָּׁלִיל, וְחֶלְבּוֹ אָסוּר, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ נוֹהֵג בַּשָּׁלִיל, וְחֶלְבּוֹ מוּתָּר.

The Gemara asks: **The fat of what? If we say** that it is referring to the fat **of a fetus, don't** the *tanna'im* **disagree about it, as it is taught** in a *baraita*: The prohibition of the **sciatic nerve applies to** a late-term **fetus, and its fat is prohibited;** this is **the statement of Rabbi Meir. Rabbi Yehuda says** that the prohibition of the **sciatic nerve does not apply to** a late-term **fetus, and its fat is permitted.**

וְאָמַר רַבִּי אֶלְעָזָר, אָמַר רַבִּי אוֹשַׁעְיָא: מַחֲלוֹקֶת בְּבֶן תִּשְׁעָה חַי, וְהָלַךְ רַבִּי מֵאִיר לְשִׁיטָתוֹ וְרַבִּי יְהוּדָה לְשִׁיטָתוֹ.

And Rabbi Elazar says that **Rabbi Oshaya says** in explanation of the *baraita*: This **dispute** applies **to a nine-month-old,** i.e., a full-term, fetus that remains **alive** after its mother has been slaughtered. **And Rabbi Meir followed his** general **opinion** in this regard (see 74a), that this fetus is considered a live animal independent of its mother. Consequently, it must undergo ritual slaughter in order for its meat to be permitted for consumption, and its fats and sciatic nerve are forbidden like those of any other animal. **And Rabbi Yehuda** followed **his** general **opinion** that such a fetus is not considered a live animal but rather part of its mother. Consequently, it does not require ritual slaughter, and its fats and sciatic nerve are permitted.

וְאֶלָּא חֶלְבּוֹ דְּגִיד – הָא מִיפְּלַג פְּלִיגִי בָּהּ! דְּתַנְיָא: גִּיד הַנָּשֶׁה – מְחַתֵּט אַחֲרָיו בְּכָל מָקוֹם שֶׁהוּא, וְחוֹתֵךְ שַׁמְנוֹ מֵעִיקָּרוֹ, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: גּוֹמְמוֹ עִם הַשּׁוּפִי!

But rather, perhaps Shmuel's statement was said with regard to **the fat of the** sciatic **nerve. But** the *tanna'im* **disagree** about this case as well, **as it is taught** in a *baraita*: With regard to **the sciatic nerve, one scrapes around it**[H] to remove it entirely **in any place that it is** found in the thigh, **and one cuts out its fat from its source,** i.e., even the fat that is embedded in the flesh; this is **the statement of Rabbi Meir. Rabbi Yehuda says: One cuts out** the nerve and fat so that they are level **with the flesh** [***hashufi***][BL] of the thigh, but there is no need to scrape out the parts embedded in the flesh. Consequently, there is a dispute about the fat surrounding the sciatic nerve as well.

לְעוֹלָם חֶלְבּוֹ דְּגִיד, מוֹדֶה שְׁמוּאֵל דְּלְרַבִּי מֵאִיר – מִדְּרַבָּנַן אָסוּר. דְּתַנְיָא: וְשַׁמְנוֹ מוּתָּר, וְיִשְׂרָאֵל קְדוֹשִׁים נֶהֱגוּ בּוֹ אִיסּוּר. מַאי לָאו, רַבִּי מֵאִיר הִיא דַּאֲמַר מוּתָּר מִן הַתּוֹרָה – וְאָסוּר מִדְּרַבָּנַן.

The Gemara answers: **Actually,** Shmuel was referring to the **fat of the** sciatic **nerve,** and **Shmuel concedes that** according to the opinion of **Rabbi Meir** the fat surrounding the sciatic nerve is **forbidden by rabbinic law** but permitted by Torah law. **As it is taught** in a *baraita*: **Its fat is permitted** by Torah law, **but the Jewish people are holy** and **treated it as forbidden.** The Gemara infers: **What, is it not** that this *baraita* **is** in accordance with the opinion of **Rabbi Meir, who said** that the fat is **permitted by Torah law but forbidden by rabbinic law?**

HALAKHA

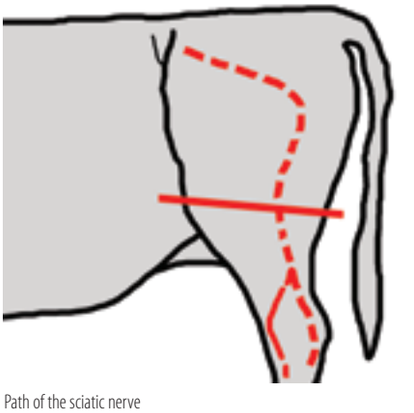
If a bird has a protrusion and it is rounded – אִית לֵיהּ לָעוֹף וְעָגֵיל: The prohibition of the sciatic nerve does not apply to a bird, because a bird does not have a rounded protrusion on its thigh bone. But if such a rounded protrusion on its thigh bone were found in a bird, its sciatic nerve would be forbidden, though one would not be liable to receive lashes for eating it. Although Rabbi Yirmeya's question was left unanswered, the *halakha* is stringent, since it is a case of uncertainty with regard to Torah law. Nevertheless, there is no need to examine whether or not a bird has a rounded protrusion on its thigh bone (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:4 and *Maggid Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 65:5).

An animal has a protrusion but it is not rounded – אִית לֵיהּ לַבְּהֵמָה וְלָא עָגֵיל: The prohibition of the sciatic nerve applies to the sciatic nerve of both domestic and undomesticated animals. It is forbidden even if the animal does not have a rounded protrusion on its thigh bone, although one is not liable to receive lashes for eating it. Even though Rabbi Yirmeya's question was left unanswered, the *halakha* is stringent, since it is a case of uncertainty with regard to Torah law (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:4 and *Maggid Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 65:5).

The sciatic nerve, one scrapes around it – גִּיד הַנָּשֶׁה, מְחַתֵּט אַחֲרָיו: When removing the sciatic nerve one must scrape around it to ensure that there is no nerve or fat remaining. This is in accordance with the *baraita* and the opinion of Rabbi Meir (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:7; *Shulḥan Arukh*, *Yoreh De'a* 65:8).

BACKGROUND

One cuts out the nerve and fat level with the flesh – גּוֹמְמוֹ עִם הַשּׁוּפִי: Rashi previously (91a) and elsewhere (*Avoda Zara* 25a) defines this as the flesh along the length of the leg, beginning near the hip and extending until the tibia, the area above the solid line in the image. Others explain that the term is referring to a specific muscle in the thigh known by butchers as the *yad*. According to the understanding of Rabbi Yehuda, one must remove the entire portion of the sciatic nerve that extends over the outside of this muscle, and all the fat that is attached to the nerve there, so that it not appear as though one is eating the sciatic nerve.



Path of the sciatic nerve

LANGUAGE

Flesh [*shufi*] – שׁוּפִי: While this term is clearly a reference to the acetabulum socket that surrounds the head of the femur (Rashi on *Avoda Zara* 25a), the source of the word is unclear. Some say it is from the Hebrew word referring to an elevated object, as in the verse: "Set up a flag upon the high mountain [*nishpeh*], lift up the voice to them, wave the hand, so that they may go into the gates of the nobles" (Isaiah 13:2). Alternatively it is from the Aramaic word meaning an object that protrudes from its place, as in: Let him jump [*linshof*] four cubits from where he stands (*Berakhot* 51a). According to these understandings, the meaning of the phrase *im hashufi* is that when one cuts, he makes a straight line that flattens the protruding or elevated area that was there originally.

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מֵמַאי? דִּילְמָא רַבִּי יְהוּדָה הִיא, אֶבָל לְרַבִּי מֵאִיר מִדְּאוֹרַיְיתָא נַמִּי אֱסִיר!

The Gemara challenges this: **From where** can it be proven that this *baraita* is in accordance with the opinion of Rabbi Meir? **Perhaps it is** in accordance with the opinion of **Rabbi Yehuda, but according to** the opinion of **Rabbi Meir it is even forbidden by Torah law.**

לָא סָלְקָא דַּעְתָּךְ, דְּתַנְיָא: גִּיד הַנָּשֶׁה – מְחַטֵּט אַחֲרָיו בְּכָל מָקוֹם שֶׁהוּא, וְשַׁמְנוֹ מוּתָּר. מַאן שָׁמְעַתְּ לֵיהּ דְּאִית לֵיהּ חֲטִיטָה? רַבִּי מֵאִיר, וְקָאָמַר: שַׁמְנוֹ מוּתָּר.

The Gemara rejects this challenge: It would **not enter your mind** that this *baraita* is in accordance with the opinion of Rabbi Yehuda, **as it is taught** in a *baraita*: With regard to **the sciatic nerve, one scrapes around it** to remove it entirely from **any place that it** is found in the thigh, **and its fat is permitted.**[N] The Gemara explains: **Whom have you heard who holds** that **scraping** is required? It is **Rabbi Meir. And** the *baraita* **states** that **its fat is permitted.** Consequently, Rabbi Meir must hold that the fat surrounding the sciatic nerve is permitted by Torah law and forbidden by rabbinic law.

אָמַר רַב יִצְחָק בַּר שְׁמוּאֵל בַּר מָרְתָא, אָמַר רַב: לֹא אֲסָרָה תּוֹרָה אֶלָּא קְנוֹקָנוֹת שֶׁבּוֹ. עוּלָּא אָמַר: עֵץ הוּא, וְהַתּוֹרָה חִייְבָה עָלָיו.

§ With regard to the sciatic nerve **Rav Yitzḥak bar Shmuel bar Marta says** that **Rav says: The Torah prohibited only its** thin, **tendril**-like nerve fibers [***kenokanot***][NBL] that branch off and run alongside the sciatic nerve, under the flesh. By contrast, the sciatic nerve itself, which is inedible and has no flavor, is therefore considered like wood rather than food, and is not forbidden. Conversely, **Ulla says:** The sciatic nerve **is** inedible and has no flavor, like **wood, but** nevertheless **the Torah rendered** one **liable for** eating **it.**[H]

אָמַר אַבַּיֵי: כְּוָותֵיהּ דְּעוּלָּא מִסְתַּבְּרָא, דַּאֲמַר רַב שֵׁשֶׁת, אָמַר רַב אַסִי: חוּטִין שֶׁבַּחֵלֶב – אֲסוּרִין, וְאֵין חַייָבִין עֲלֵיהֶן, אַלְמָא – ״חֵלֶב״ אָמַר רַחֲמָנָא, וְלֹא חוּטִין. הָכָא נַמִּי – ״גִּיד״ אָמַר רַחֲמָנָא, וְלֹא קְנוֹקָנוֹת.

Abaye said: It stands to reason that the *halakha* **is in accordance with** the opinion **of Ulla, because Rav Sheshet said** that **Rav Asi said: The strands** of veins **that are in the** forbidden **fat**[H] **are forbidden, but one is not liable for** eating **them. Apparently,** when **the Merciful One states** in the Torah that it is prohibited to eat **fat,** the prohibition applies only to the fat itself **but not** to **the strands** of veins. **Here also, the Merciful One states** in the Torah that it is prohibited to eat the sciatic **nerve, but** that does **not** include **the tendril**-like nerve fibers.

גּוּפָא, אָמַר רַב שֵׁשֶׁת, אָמַר רַב אַסִי: חוּטִין שֶׁבַּחֵלֶב – אֲסוּרִין, וְאֵין חַייָבִין עֲלֵיהֶן. שֶׁבַּכּוּלְיָא – אֲסוּרִין וְאֵין חַייָבִין עֲלֵיהֶן. לוּבָן כּוּלְיָא – רַבִּי וְרַבִּי חִייָא, חַד אָמַר וְחַד שָׁרֵי.

§ The Gemara now returns to **the** matter **itself** cited in the discussion above: **Rav Sheshet said** that **Rav Asi said: The strands** of veins **that are in the** forbidden **fat are forbidden, but one is not liable for** eating **them.** The strands of veins **that are in the kidney**[H] **are forbidden, but one is not liable for** eating **them.** With regard to the **white** fat of the **kidney,**[H] there is a dispute between **Rabbi** Yehuda HaNasi **and Rabbi Ḥiyya: One** of them **prohibits** its consumption, because it is similar to the fats that are prohibited by the Torah; **and one** of them **permits** eating it.

רַבָּה מְמָרְטֵט לֵיהּ, רַבִּי יוֹחָנָן מְמָרְטֵט לֵיהּ, רַבִּי אַסִי גָּאֵים לֵיהּ. אָמַר אַבַּיֵי: כְּוָותֵיהּ דְּרַבִּי אַסִי מִסְתַּבְּרָא, דַּאֲמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל:

The Gemara relates that **Rabba** would **scrape** every remnant of white fat away from the kidney. Similarly, **Rabbi Yoḥanan** would **scrape it** away from the kidney. By contrast, **Rabbi Asi** would **cut it** from the surface of the kidney but would not scrape out the rest of it. **Abaye said: It stands to reason** that the *halakha* **is in accordance with** the opinion **of Rabbi Asi, because Rabbi Abba said** that **Rav Yehuda said** that **Shmuel said:**

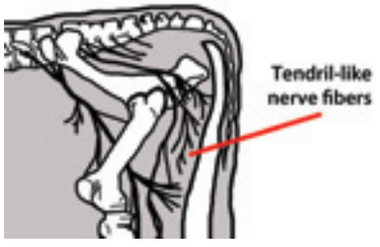
NOTES

One scrapes around it any place that it is found, and its fat is permitted – מְחַטֵּט אַחֲרָיו בְּכָל מָקוֹם שֶׁהוּא וְשַׁמְנוֹ מוּתָּר: Some commentaries interpret the ruling that the fat of the sciatic nerve is permitted as applying even by rabbinic law. Nevertheless, the custom is to treat it as forbidden (Ran). Others hold that the *baraita* means that the fat is permitted by Torah law. Consequently, according to Rabbi Meir the requirement to scrape around the sciatic nerve and entirely remove it is also by Torah law. They explain the ensuing discussion accordingly (Ramban).

The Torah prohibited only its thin tendril-like nerve fibers – לֹא אֲסָרָה תּוֹרָה אֶלָּא קְנוֹקָנוֹת שֶׁבּוֹ: These Sages hold in accordance with the opinion that the sciatic nerve does not possess any flavor, which is the conclusion later (99b). If the sciatic nerve itself has no flavor, it is logical that the Torah does not prohibit the actual nerve, as it is considered similar to wood. Rather, only the surrounding tissue would be forbidden, as it contains the fat and the flavor. By contrast, Ulla holds that even though the nerve itself has the status of wood, the Torah deemed one liable for eating it. According to Ulla, the surrounding tissue is permitted by Torah law. Nevertheless, Rav Aḥa Gaon adds that it is forbidden by rabbinic law.

BACKGROUND

Tendril-like nerve fibers – קְנוֹקָנוֹת:



Fibers of the sciatic nerve

LANGUAGE

Thin tendril-like nerve fibers [*kenokanot*] – קְנוֹקָנוֹת: The word *kenokanot* is primarily a botanic term, referring to thin tendrils that wind around a rock or tree and allow the plant to climb. In this context of zoology, it is referring to thin nerve fibers that spread throughout the body of the animal.

HALAKHA

It is like wood, but the Torah rendered one liable for eating it – עֵץ הוּא וְהַתּוֹרָה חִייְבָה עָלָיו: Although it is forbidden by Torah law, the sciatic nerve itself has no flavor and is considered to be like wood. Therefore, if it is cooked with other food it does not impart forbidden flavor to that food. This ruling is in accordance with the opinion of Ulla (*Shulḥan Arukh*, *Yoreh De'a* 65:9, and see 100:2; see Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:17, 16:6).

The strands of veins that are in the forbidden fat – חוּטִין שֶׁבַּחֵלֶב: The strands of veins in the forbidden fat are themselves forbidden, but one is not liable to receive the punishment of *karet* for eating them, in accordance with the opinion of Rav Sheshet, citing Rav Asi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:6; *Shulḥan Arukh*, *Yoreh De'a* 64:10).

That are in the kidney – שֶׁבַּכּוּלְיָא: The strands of veins that are in the kidneys are forbidden to consume, but one is not liable to receive the punishment of *karet* for eating them. This is in accordance with the opinion of Rav Sheshet, citing Rav Asi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:7; *Shulḥan Arukh*, *Yoreh De'a* 64:12).

White fat of the kidney – לוּבָן כּוּלְיָא: The white fat on the outside of the kidneys is forbidden, but not the fat inside the kidneys. Nevertheless, one should remove the fat from the inside of the kidneys, although one is not required to scrape around it. Some are stringent and require scraping around it. The Rema writes that if one did not scrape around it and left a small amount inside the kidney that was then cooked, it is permitted according to all opinions. This applies specifically to the fat inside the kidney, but the fat on the outside of the kidney is forbidden according to everyone. This is in accordance with the opinion of Rav Asi, as Abaye agreed with his opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:7; *Shulḥan Arukh*, *Yoreh De'a* 64:12).

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חֵלֶב שֶׁהַבָּשָׂר חוֹפֶה אוֹתוֹ – מוּתָּר, אֲלָמָּא – שֶׁעַל הַכְּסָלִים אָמַר רַחֲמָנָא, וְלֹא שֶׁבְּתוֹךְ הַכְּסָלִים. הָכָא נַמִּי – שֶׁעַל הַכְּלָיוֹת אָמַר רַחֲמָנָא, וְלֹא שֶׁבְּתוֹךְ הַכְּלָיוֹת.

The **fat that is covered by the flesh**[BH] is **permitted. Apparently,** when **the Merciful One states** in the Torah that the fat **that is upon the loins** is prohibited (see Leviticus 3:4), it is referring only to the fat above the loins **but not** the fat **that is inside the loins.**[B] **Here also, the Merciful One states** in the Torah that the fat **that is upon the kidneys** is prohibited (see Leviticus 3:4), **but** this does **not** include the fat **that is inside the kidneys.**[N]

גּוּפָא, אָמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: חֵלֶב שֶׁהַבָּשָׂר חוֹפֶה אוֹתוֹ – מוּתָּר. אִינִי, וְהָאָמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: הַאי תַּרְבָּא דְּתוּתֵי מָתְנֵי – אָסִיר!

§ The Gemara addresses **the** matter **itself** cited in the discussion above: **Rabbi Abba said** that **Rav Yehuda said** that **Shmuel said: The fat that is covered by the flesh** is **permitted.** The Gemara asks: **Is that so? But didn't Rabbi Abba say** that **Rav Yehuda said** that **Shmuel said: This fat that is under the loins**[BH] **is forbidden,** even though it is covered by flesh?

אָמַר אַבָּיֵי: בְּהֵמָה בְּחַיֶּיהָ פְּרוּקֵי מִיפְרְקָא. אָמַר רַבִּי יוֹחָנָן: אֲנָא לָאו טַבָּחָא אֲנָא וְלָאו בַּר טַבָּחָא אֲנָא, וּנְהִירְנָא דְּהָכִי הָווּ אָמְרֵי בֵּי מִדְרְשָׁא: בְּהֵמָה בְּחַיֶּיהָ פְּרוּקֵי מִיפְרְקָא.

The Gemara answers that **Abaye said: When an animal is alive** its limbs **separate** at the joints as it walks, so that the fat under the loins is not covered by flesh. Therefore, even after it has been slaughtered this fat is forbidden and does not have the status of fat that is covered by flesh. **Rabbi Yoḥanan said: I am not a butcher and I am not the son of a butcher,** i.e., I am not expert in the anatomy of animals, **but I remember that this is what they would say** in **the study hall: When an animal is alive** its limbs **separate** at the joints as it walks, so that the fat under the loins is exposed.

אָמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: חֵלֶב שֶׁעַל הַמְּסַס וּבֵית הַכּוֹסוֹת – אָסוּרִין וְעָנוּשׁ כָּרֵת, וְזֶהוּ חֵלֶב שֶׁעַל הַקֶּרֶב. אָמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: הַאי תַּרְבָּא דְּקִלְיבּוֹסְתָּא – אָסוּר, וְעָנוּשׁ כָּרֵת, וְזֶהוּ חֵלֶב שֶׁעַל הַכְּסָלִים.

§ **Rabbi Abba said** that **Rav Yehuda said** that **Shmuel said: The fat that is on the omasum and the reticulum**[H] **is forbidden, and** its consumption is **punishable by *karet*. And this is the fat that is** referred to in the Torah as being **upon the innards** (see Leviticus 3:3). **Rabbi Abba said** that **Rav Yehuda said** that **Shmuel said: This fat of the coccygeal** bone[BH] **is forbidden, and** its consumption **is punishable by *karet*. And this is the fat that is** referred to in the Torah as being **upon the loins** (see Leviticus 3:4).

BACKGROUND

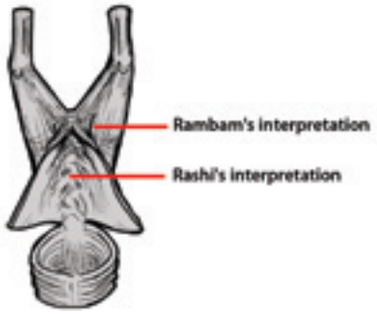
Fat that is covered by the flesh – חֵלֶב שֶׁהַבָּשָׂר חוֹפֶה אוֹתוֹ: The fat of the loins, which is beneath the kidneys, can be seen at the top of the loins. It is then covered by a thin layer of red flesh and spread throughout the loins. The *halakha* is that the part that is covered with flesh is permitted.

Loins – כְּסָלִים: Loins is a general term for the folds of muscle and flesh at the back of the animal, between the ribs and the thighs and near the kidneys. The term includes three layers of flesh that have layers of fat between them.



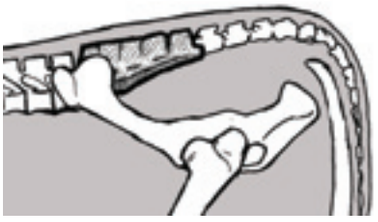
Loins of an animal hanging by the legs

Fat that is under the loins – תַּרְבָּא דְּתוּתֵי מָתְנֵי: According to Rashi this is referring to the fat near the spine from within, i.e., the area of the vertebrae and the small ribs in the stomach cavity. The Rambam explains that it is referring to the fat that is close to the joint between the femur and the hip.



Fat under the loins

Coccygeal bone – קִלְיבּוֹסְתָּא: The coccygeal bone is the tailbone, at the end of the spine. It sits on the pelvic bone, and the fat of the tail is attached to it.



Coccygeal bone

HALAKHA

Fat that is covered by the flesh – חֵלֶב שֶׁהַבָּשָׂר חוֹפֶה אוֹתוֹ: Fat that is covered by flesh is permitted, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:7; *Shulḥan Arukh*, *Yoreh De'a* 64:4).

Fat that is under the loins – תַּרְבָּא דְּתוּתֵי מָתְנֵי: An animal has fat in the main loin area, close to the top of the thigh. When the animal is alive this can be seen in the intestines, but after it dies the two adjacent pieces of flesh stick together and cover this fat, and it cannot be seen until the flesh is separated. This fat is not considered to be fat covered by the flesh, and it is forbidden, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:8; *Shulḥan Arukh*, *Yoreh De'a* 64:7).

The fat that is on the omasum and the reticulum – חֵלֶב שֶׁעַל הַמְּסַס וּבֵית הַכּוֹסוֹת: The fat that is on the omasum and the reticulum is forbidden, and one who consumes it is liable to receive *karet*. This is the fat the Torah refers to as being upon the innards (Leviticus 3:3). This ruling is in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:6; *Shulḥan Arukh*, *Yoreh De'a* 64:8).

Fat of the coccygeal bone – תַּרְבָּא דְּקִלְיבּוֹסְתָּא: The fat that is upon the loins and the membrane covering the loins are forbidden, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:7, 11; *Shulḥan Arukh*, *Yoreh De'a* 64:6).

NOTES

Not fat that is inside the kidneys – לֹא שֶׁבְּתוֹךְ הַכְּלָיוֹת: There is a dispute between the early commentaries as to the status of the white fat that is inside the kidneys. Some hold that it is forbidden, in accordance with the opinion of Rabba and Rabbi Yoḥanan, who would scrape it away from the kidney. These commentaries are stringent even though the *halakha* is in accordance with the opinion of Shmuel that the fat that is covered by flesh is permitted (Ba'al HaMaor; *Sefer HaTerumot*; Rashi). The distinction is that the loins are not offered on the altar, so if the fat contained within was forbidden the Torah would have said: Inside the loins, and not: "Upon the loins." By contrast, the kidneys are offered upon the altar. Therefore, the Torah did not need to specify the fat within the kidneys as being included, as it is part of the kidney. Other early commentaries hold that the white fat within the kidneys is permitted, and one is required to remove only the fat that is on the surface of the kidneys, in accordance with the custom of Rav Asi (Rif; Ran).

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וְאָמַר רַבִּי אַבָּא, אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: חוּטִין שֶׁבַּיָּד אֲסוּרִין. אָמַר רַב סָפְרָא: מֹשֶׁה! מִי אָמַר רַחֲמָנָא לָא תֵּיכוֹל בִּישְׁרָא?! אָמַר רָבָא: מֹשֶׁה! מִי אָמַר רַחֲמָנָא אֲכוֹל דָּמָא?! חַתְכֵיהּ וּמְלְחֵיהּ – אַפִּילּוּ לְקַדֵּירָה נַמִּי שַׁפִּיר דָּמֵי.

And Rabbi Abba said that **Rav Yehuda said** that **Shmuel said: The veins that are in the foreleg**[H] of an animal **are forbidden. Rav Safra said** to Rabbi Abba: **Moses! Did the Merciful One say**[N] in the Torah: **Do not eat meat?** The veins of the foreleg are part of the meat and are not forbidden. **Rava said: Moses! Did the Merciful One say** in the Torah: **Eat blood?** The reason that these veins are forbidden is that they are filled with blood. Therefore, if one **cuts** the foreleg open **and salts it** to remove the blood, it is **permitted even** to cook it **in a pot;** and it is certainly permitted to roast it over a fire, which also draws out the blood.

אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: רֵישׁ מֵעָיָא בְּאַמְּתָא בְּעֵי גְּרִירָה, וְזֶהוּ ״חֵלֶב שֶׁעַל הַדַּקִּין״.

Rav Yehuda said that **Shmuel said:** The fat on the **top cubit of the** small **intestine requires scraping,**[H] i.e., it is forbidden and must be removed. **And this is** the fat referred to by the Sages (see 49b) as **the fat that is on the small intestine.**

וְאָמַר רַב יְהוּדָה: חוּטִין שֶׁבָּעוֹקֵץ – אֲסוּרִין. חֲמִשָּׁה חוּטֵי אִית בֵּיהּ בְּכִבְלָא, תְּלָתָא מִימִינָא וְתַרְתֵּי מִשְּׂמָאלָא, תְּלָתָא מְפַצְלֵי לְתַרֵי תַּרֵי, תַּרֵי מְפַצְלֵי לִתְלָתָא תְּלָתָא. נָפְקָא מִינָּהּ, דְּאִי שָׁלֵיף לְהוּ עַד דַּחֲמִימֵי – מִשְׁתַּלְפִי, וְאִי לָא – בָּעֵי חֲטוֹטֵי בַּתְרַייְהוּ.

And Rav Yehuda says: The sinews that are in the tailbone[BH] **are forbidden** for consumption, because they contain forbidden fat. **There are five sinews in the tail: Three on the right and two on the left.** The **three** on the right **each split into two,** and the **two** on the left **each split into three.** The practical **difference,** i.e., the reason the Gemara describes this in detail, is **that if** one **draws them out** while they are **still warm** soon after slaughter **they are drawn out** easily, **but if not,** he **is required to scrape around them,** i.e., dig into the flesh to remove them. It is important to know how many there are to ensure that one removes them all.

אָמַר אַבַּיֵי וְאִיתֵימָא רַב יְהוּדָה: חֲמִשָּׁה חוּטֵי הָווּ. תְּלָתָא מִשּׁוּם תַּרְבָּא, וּתְרֵין מִשּׁוּם דָּמָא. דְּטַחְלֵי וּדְכַפְלֵי וּדְכוּלֵיתָא – מִשּׁוּם תַּרְבָּא, דְּיָדָא וּדְלוֹעָא – מִשּׁוּם דָּמָא.

Abaye said, and some say that **Rav Yehuda** said: **There are five strands** that are forbidden for consumption; **three** of them are forbidden **because** they contain **forbidden fat, and two** are forbidden **because** they contain **blood.** The ligaments **of the spleen**[B] **and of the tail and of the kidneys**[B] are forbidden **because** they contain **forbidden fat.** And the veins **of the foreleg and of the pharynx,** i.e., the carotid artery, are forbidden **because** they contain **blood.**

לְמַאי נָפְקָא מִינָּהּ? הֲנֵי דְּמִשּׁוּם דָּמָא – אִי מְחַתֵּךְ לְהוּ וּמְלַח לְהוּ שַׁפִּיר דָּמֵי, הָנָךְ – לֵית לְהוּ תַּקָּנְתָּא.

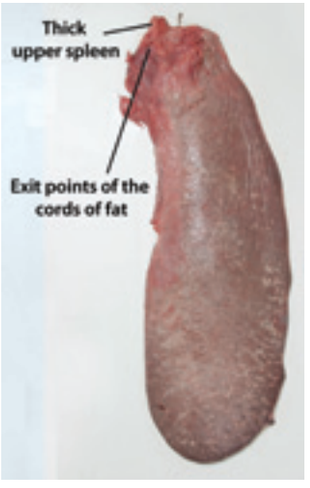
The Gemara asks: **What difference is** there whether they are forbidden due to fat or due to blood? The Gemara answers: With regard to **these** veins and arteries **that** are forbidden **because** they contain **blood, if one cuts them** open **and** then **salts them** to remove the blood they are **permitted.** But **those** strands that contain forbidden fat **have no rectification** and can never be eaten.

BACKGROUND

Sinews [*ḥutin*] that are in the tailbone [*oketz*] – חוּטִין שֶׁבָּעוֹקֵץ: According to Rashi the term *ḥutin* is referring to the nerves that come out from the sacrum, which are attached to the hip, and the word *oketz* refers to the hip. The sciatic nerve emerges from the spine through an opening in the pelvis and then branches out through the flesh of the loins. According to Rashi the five sinews serve as an explanation of Rav Yehuda's statement.

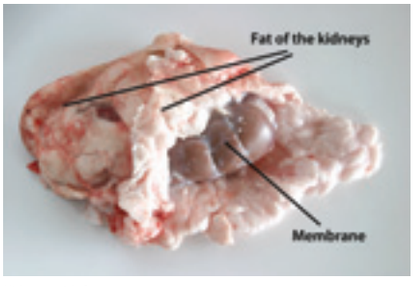
According to others, *oketz* refers to the coccygeal bone, also known as the tailbone, through which nerves pass from the kidneys (Mordekhai), and this is the explanation followed in the commentary here. According to the Rambam, the nerves in the *oketz* are forbidden due to blood and not due to forbidden fat, but he does not state the location of the *oketz*.

Spleen – טְחָלִי:



Mammalian spleen

Kidneys – כּוּלְיְתָא:



Kidneys with fat

HALAKHA

The veins that are in the foreleg – חוּטִין שֶׁבַּיָּד: The veins in the foreleg are forbidden due to the blood within them, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:13; *Shulḥan Arukh*, *Yoreh De'a* 65:1).

The fat on the top cubit of the intestine requires scraping – רֵישׁ מֵעָיָא בְּאַמְּתָא בְּעֵי גְּרִירָה: The fat on the top cubit of the small intestine after it leaves the abomasum is forbidden. Below this point, the fat is permitted, in accordance with the opinion of Shmuel. Some say that the reference to the top of the small intestine is referring to the end of the intestine that leads to the rectum. One who is God-fearing should follow both opinions and scrape one cubit of fat from each end of the intestine. The Rema writes that some say that the area that is scraped need not be an entire cubit, and for this reason the custom is to be lenient and to estimate a cubit (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:9; *Shulḥan Arukh*, *Yoreh De'a* 64:15).

The sinews that are in the tailbone – חוּטִין שֶׁבָּעוֹקֵץ: The sinews that are in the tailbone are forbidden. There are five sinews: Three on the right and two on the left. The three on the right each split into two, and the two on the left each split into three. One end of each is connected to the tailbone on the spine, and the other end is connected under the breast at the top of the ribs. This ruling is in accordance with the opinion of Rav Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:11; *Shulḥan Arukh*, *Yoreh De'a* 64:13).

NOTES

Moses! Did the Merciful One say – מֹשֶׁה מִי אָמַר רַחֲמָנָא: This expression is used often by Rav Safra (see *Shabbat* 101b, *Sukka* 39a, and *Beitza* 38b). Rashi explains that it is an appellation for a Torah scholar. Alternatively, it is referring to an oath, as if to say that Rav Safra would take an oath by Moses' honor that his words are correct (Rashi on *Beitza* 38b).

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אֲמַר רַב כָּהֲנָא וְאִיתֵימָא רַב יְהוּדָה: חֲמִשָּׁא קְרָמֵי הָווּ. תְּלָתָא מִשּׁוּם תַּרְבָּא, וּתְרֵי מִשּׁוּם דָּמָא, דְּטַחְלֵי דְּכַפְלֵי וּדְכוּלְיְתָא – מִשּׁוּם תַּרְבָּא, דְּבֵיעֵי וּדְמוֹקְרָא – מִשּׁוּם דָּמָא.

Rav Kahana said, and some say that it was **Rav Yehuda** who said: **There are five membranes** that are forbidden for consumption; **three** of them are forbidden **because** they contain **forbidden fat, and two** are forbidden **because** they contain **blood.** The membranes **of the spleen and of the tail and of the kidneys** are forbidden **because** they contain **forbidden fat.** And the membranes **of the testicles**[B] **and of the brain** are forbidden **because** they contain **blood.**[B]

רַב יְהוּדָה בַּר אוֹשַׁעְיָא הֲוָה קָא קָלִיף לֵיהּ טַחְלָא לְלֵוִי בְּרֵיהּ דְּרַב הוּנָא בַּר חִיָּא, הֲוָה קָא גָּאִים לֵיהּ מֵעִילָּאֵי. אֲמַר לֵיהּ: חוּת בֵּיהּ טְפֵי! אֲתָא אֲבוּהּ אַשְׁכְּחֵיהּ, אֲמַר לֵיהּ: הָכִי אֲמַר אֲבוּהְ דְּאִמָּךְ מִשּׁוּם דְּרַב, וּמַנּוּ – רַב יִרְמְיָה בַּר אַבָּא: לֹא אָסְרָה תּוֹרָה אֶלָּא שֶׁעַל הַדַּד בִּלְבַד.

The Gemara relates that **Rav Yehuda bar Oshaya was peeling** the membranes from **a spleen for Levi, son of Rav Huna bar Ḥiyya. He was cutting them** only **from the upper** surface of the spleen. Levi **said to** Rav Yehuda: **Go down further,** i.e., remove the fat that is lower down as well. Levi's **father,** Rav Huna bar Ḥiyya, **came and found him** as Levi was saying this to Rav Yehuda. Rav Huna bar Ḥiyya **said to him: This is what your mother's father said in the name of Rav; and who** was Levi's mother's father? It was **Rav Yirmeya bar Abba.** He said: **The Torah prohibits only** the membranes **that are on the thick,** upper surface of the spleen.[H]

אִינִי, וְהָאֲמַר רַב הַמְנוּנָא, תָּנָא: קְרוּם שֶׁעַל הַטְּחוֹל – אָסוּר, וְאֵין חַיָּבִים עָלָיו. הֵיכִי דָּמֵי? אִילֵימָא שֶׁעַל הַדַּד – אַמַּאי אֵין חַיָּבִין עָלָיו? אֶלָּא דְּכוּלֵּיהּ! אֲמַר לֵיהּ: אִי תַּנְיָא, תַּנְיָא.

Levi asked: **Is that so? But didn't Rav Hamnuna say** that it was **taught** in a *baraita* that the **membrane that is on the spleen is forbidden, but one is not liable** to receive the punishment of *karet* **for** eating **it?** Levi clarifies: **What are the circumstances** referred to in the *baraita*? **If we say** that it is referring to the membranes **that are on the thick,** upper surface of the spleen, **why is one not liable** to the punishment of *karet* **for** eating **it? Rather,** it must be referring to the membranes **on all** sides **of** the spleen, even the underside. Rav Huna bar Ḥiyya **said to** his son, Levi: **If this** *baraita* **is taught, it is taught,** and I cannot take issue with it.

גּוּפָא, אֲמַר רַב הַמְנוּנָא, תָּנָא: קְרוּם שֶׁעַל הַטְּחוֹל – אָסוּר, וְאֵין חַיָּבִין עָלָיו. קְרוּם שֶׁעַל גַּבֵּי כּוּלְיָא – אָסוּר, וְאֵין חַיָּבִין עָלָיו. וְהָתַנְיָא: חַיָּבִין עָלָיו!

§ The Gemara returns to discuss **the** matter **itself** mentioned above: **Rav Hamnuna said** that it was **taught** in a *baraita*: The **membrane that is on the spleen is forbidden, but one is not liable** to receive *karet* **for** eating **it.** The **membrane that is on** the **kidney**[H] **is forbidden, but one is not liable** to receive *karet* **for** eating **it.** The Gemara challenges this statement: **But isn't it taught** in a *baraita* that **one is liable** to receive *karet* **for** eating the membrane on the spleen or the kidney?

טְחוֹל אַטְחוֹל לָא קַשְׁיָא, הָא – כְּנֶגֶד הַדַּד, הָא – שֶׁלֹּא כְּנֶגֶד הַדַּד.

The Gemara answers: The apparent contradiction between the *baraita* that states that one is not liable to receive *karet* for eating the membrane on the **spleen** and the *baraita* that states that one is liable to receive *karet* for eating the membrane on the **spleen** is **not difficult: This** *baraita* that states that one is liable is referring to the membrane **on the thick,** upper part of the spleen, whereas **that** *baraita* that states that one is not liable is referring to the membrane **that is not on the thick** part of the spleen.

כּוּלְיָא אַכּוּלְיָא נַמִּי לָא קַשְׁיָא, הָא – בְּעִילָּאָה, הָא – בְּתַתָּאָה.

Likewise, the apparent contradiction between the *baraita* that states that one is not liable to receive *karet* for eating the membrane on the **kidney** and the *baraita* that states that one is liable to receive *karet* for eating the membrane on the **kidney** is **not difficult: This** *baraita* that states that one is liable is referring to the membrane **on the upper** part of the kidney, whereas **that** *baraita* that states that one is not liable is referring to the membrane **on the lower** part of the kidney.

BACKGROUND

Testicles – בֵּיעֵי:



Testicle of an animal

Blood – דָּמָא: The Torah's prohibition against consuming blood (see Leviticus 7:26) applies to the blood of both kosher and non-kosher animals and birds. One who consumes blood intentionally is liable to receive *karet*, and one who does so unwittingly is required to bring a sin offering. Meat must be salted before it is cooked in order to remove the blood.

HALAKHA

The Torah prohibits only the membranes that are on the thick upper surface of the spleen – לֹא אָסְרָה תּוֹרָה אֶלָּא שֶׁעַל הַדַּד בִּלְבַד: One is liable to receive *karet* for consuming the membrane covering the thicker surface of the spleen. The membrane covering the rest of the spleen and the sinews within it are forbidden, but one is not liable for eating them, in accordance with the opinion of Rav Yirmeya bar Abba (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:11; *Shulḥan Arukh*, *Yoreh De'a* 64:10).

The membrane that is on the kidney – קְרוּם שֶׁעַל גַּבֵּי כּוּלְיָא: The kidney has two membranes. One is liable for consuming the upper, or outer membrane, but not for consuming the lower, or inner membrane. Nevertheless, it is forbidden to consume the lower membrane and the sinews within it, in accordance with the opinion of Rav Hamnuna (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:12; *Shulḥan Arukh*, *Yoreh De'a* 64:12).

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בֵּיעֵי חֲשִׁילָתָא: רַב אַמִּי וְרַב אַסִּי, חַד אֲסַר וְחַד שָׁרֵי. מַאן דַּאֲסַר,

§ With regard to **testicles** that were **crushed** while the animal was alive but were still attached to their cords in the scrotum, there is a dispute between **Rav Ami and Rav Asi. One** of them **prohibits** eating the testicles after the animal is slaughtered **and one** of them **permits** eating them. The Gemara clarifies: **The one who prohibits** them holds that

Perek **VII**
Daf **93** Amud **b**

PERSONALITIES

Rav Shemen bar Abba – רַב שֶׁמֶן בַּר אַבָּא: This is Rav Shimon, or Shemen, bar Abba HaKohen, a second-generation *amora* in Eretz Yisrael. Rav Shimon bar Abba originally came from Babylonia, where he studied with Shmuel, but he apparently arrived in Eretz Yisrael at a relatively young age, and was among the students of Rabbi Ḥanina there. His principal teacher was Rabbi Yoḥanan, to whom he attended with great affection. The Sages applied the verse "There is no bread to the wise" (Ecclesiastes 9:11) to him due to his poverty, and he was renowned for great righteousness and extensive wisdom.

HALAKHA

These crushed testicles – הָנֵי בֵּיעֵי חֲשִׁילָתָא: Testicles of an animal that have been pulled from their natural position but are still entwined within the scrotum are permitted by Torah law, because they still have a trace of life, which is the reason they do not rot. Nevertheless, it is prohibited to eat them anywhere (Rambam), or at least in those places where the custom is to forbid them (Rashi; Rashba; *Maggid Mishne*). This ruling is based on the custom of the Jewish people to not eat them because they are similar to a limb from a living animal, and is in accordance with Rabbi Yoḥanan's statement to Rav Shemen bar Abba (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:7; *Shulḥan Arukh*, *Yoreh De'a* 62:4).

These testicles of goats – הָנֵי בֵּיעֵי דְּגַדְיָא: Testicles of an animal less than thirty days old may be cooked without first removing the membranes even if they contain many red sinews. If the animal is more than thirty days old and contains many red sinews they are forbidden to be cooked without first removing the membrane, but it is permitted to roast them. The Rema writes that the custom is to remove the membrane even from an animal less than thirty days old. This ruling is in accordance with the opinion of Mar bar Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:14; *Shulḥan Arukh*, *Yoreh De'a* 65:4).

NOTES

Due to: And do not forsake the Torah of your mother – מִשּׁוּם וְאַל תִּטֹּשׁ תּוֹרַת אִמֶּךָ: This phrase is usually applied to Jewish customs, such as not eating crushed testicles. The phrase "the Torah of your mother [*immekha*]" is homiletically interpreted as the Torah of the nation [*umma*], thereby granting authority to the custom of the Jewish people.

מִדְּלָא קָא בָּרְיָין – הָנֵי אֵבָר מִן הַחַי נִינְהוּ. מַאן דְּשָׁרֵי: מִדְּלָא קָא מַסְרְחָן – הָנֵי חִיּוּתָא אִית בְּהוּ.

since these testicles **do not heal, they are** considered **a limb** severed **from a living** animal even though they are still attached to the animal. Consequently, they are forbidden even after the animal is slaughtered. And **the one who permits** eating crushed testicles holds that **since they do not rot, there is vitality in them,** and they are not considered to have been detached from the animal.

וְאִידָךְ, הַאי דְּלָא קָא מַסְרְחָן – דְּלָא קָא שַׁלִּיט בְּהוּ אֲוִירָא. וְאִידָךְ, הַאי דְּלָא בָּרְיָין – כְּחִישׁוּתָא הוּא דְּנָקֵט לְהוּ.

And the other opinion, which holds that crushed testicles are forbidden, holds that **the** reason the testicles **do not rot** is not because they have vitality but rather **because air does not penetrate** the scrotum, and it is contact with air that would cause them to rot. **And the other** opinion, which holds that crushed testicles are permitted, holds **that the** fact **that they do not heal** is because **they have been struck with weakness,** but not because they are entirely devoid of vitality. Consequently, they should not be considered detached from the body.

אֲמַר לֵיהּ רַבִּי יוֹחָנָן לְרַב שֶׁמֶן בַּר אַבָּא: הָנֵי בֵּיעֵי חֲשִׁילָתָא – שָׁרְיָין, וְאַתְּ לָא תֵּיכוֹל מִשּׁוּם "וְאַל תִּטֹּשׁ תּוֹרַת אִמֶּךָ".

Rabbi Yoḥanan said to Rav Shemen bar Abba:[P] **These crushed testicles**[H] **are permitted** for consumption, **but you should not eat them due to** the dictum: **"And do not forsake the Torah of your mother"** (Proverbs 1:8).[N] Since Rav Shemen bar Abba was from Babylonia, where it was customary to be stringent, it was prohibited for him to eat crushed testicles even when he was in Eretz Yisrael.

אֲמַר מָר בַּר רַב אַשִׁי: הָנֵי בֵּיעֵי דְּגַדְיָא, עַד תְּלָתִין יוֹמִין – שָׁרְיָין בְּלָא קְלִיפָּה. מִכָּאן וְאֵילָךְ, אִי אִיזְדָּעָן – אֲסוּרִין, וְאִי לָא אִיזְדָּעָן – שָׁרְיָין. מְנָא יָדְעִינַן? אִי אִית בְּהוּ שׁוּרַיְיקֵי סוּמָקֵי – אֲסִירָן, לֵית בְּהוּ שׁוּרַיְיקֵי סוּמָקֵי – שָׁרְיָין.

§ The Gemara cites other *halakhot* related to testicles. **Mar bar Rav Ashi said:** With regard to **these testicles of goats,**[H] from the time the goat is born **until** the goat is **thirty days** old, its testicles **are permitted without peeling** off the membrane that encloses them, because they are presumed not to contain blood. **From this** point **forward, if they contain semen they are forbidden, but if they do not contain semen they are permitted.** The Gemara asks: **How can we know** whether or not they contain semen? The Gemara answers: **If they have red streaks in them they are forbidden.** If they **do not have red streaks in them they are permitted.**

אוּמְצֵי בֵּיעֵי וּמְזָרְקֵי, פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא. בְּכָל הַתּוֹרָה כּוּלָּהּ רָבִינָא לְקוּלָּא וְרַב אַחָא לְחוּמְרָא, וְהִלְכְתָא כְּרָבִינָא לְקוּלָּא, לְבַר מֵהָנֵי תְּלָת דְּרַב אַחָא לְקוּלָּא וְרָבִינָא לְחוּמְרָא, וְהִלְכְתָא כְּרַב אַחָא לְקוּלָּא.

The Gemara quotes a related discussion pertaining to three cases: With regard to **raw meat** that is eaten without being salted, **testicles** of an animal, **and** the large **veins** of the neck, **Rav Aḥa and Ravina disagree about** the *halakha*. The Gemara points out: **In all** of their disputes with regard to other realms of **the Torah** where it is not clear which of them holds which opinion, the opinion of **Ravina is lenient, and** the opinion of **Rav Aḥa is stringent, and the *halakha*** is **in accordance with** the opinion of **Ravina to be lenient.** This applies to all their disputes **except for these three,** in **which Rav Aḥa is lenient and Ravina is stringent, and the *halakha*** is **in accordance with** the opinion of **Rav Aḥa to be lenient.**

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אוּמְצָא דְּאַסְמִיק, חֲתָכָהּ וּמְלָחָהּ – אֲפִילּוּ לְקֻדָּרָה נַמִּי שַׁפִּיר דָּמֵי. תָּלָיָהּ נַמִּי בִּשַּׁפּוּדָא – דָּאֵיב דָּמָא. אַגּוּמְרֵי – פְּלִיגִי בָּהּ רַב אַחָא וְרָבִינָא, חַד אָמַר: מְשַׁאֲב שְׁאִיבִי לֵיהּ, וְחַד אָמַר: מִצְמַת צָמְתִי לֵיהּ. וְכֵן בֵּיעֵי, וְכֵן מְזָרְקֵי.

The Gemara explains: With regard to **raw meat that became red**[HN] from the blood inside it, if **one cut it and salted it,** it is **permitted even to** cook it in **a pot,** because the salt removes blood from meat. It is **also** permitted if one **hung it on a spit** in order to roast it, because **the blood is drawn out** by the heat of the fire. With regard to a case where one placed it **on coals, Rav Aḥa and Ravina disagree about** the *halakha*: **One says** that the coals **draw out** the blood from the meat, **and one says** that the coals cause the meat to **shrivel** and harden, trapping the blood inside. **And similarly** Ravina and Rav Aḥa disagree with regard to **testicles** placed on coals, **and similarly** with regard to the large **veins**[H] of the neck that were placed on coals.

רֵישָׁא בְּכִיבְשָׁא, אוֹתְבֵיהּ אַבֵּית הַשְׁחִיטָה – דָּיֵיב דָּמָא וְשָׁרֵי, אַצָּדָדִין – מִיקְפָּא קָפֵי וְאָסוּר. אוֹתְבֵיהּ אַנְחִירֵיהּ, דָּץ בֵּיהּ מִידֵּי – שָׁרֵי, וְאִי לָא – אֲסִיר.

§ Apropos raw meat placed on coals, the Gemara discusses a related topic. In a case where one wants to remove the hair from **the head** of an animal by placing it **in hot ashes,** if **one placed it** with the neck down so that **the location of the slaughter**[H] is in the ashes, **the blood is drawn out** by the heat **and** the meat **is permitted.** But if one placed the head in the ashes **on** one of its **sides,** the blood **congeals** inside the head and cannot flow out, **and** therefore the head is **forbidden** for consumption. In a case where one **placed** the head down **on its nostrils,**[H] if **he inserted something into** the nostrils to keep them open and allow the blood to flow out, the meat is **permitted, but** if he did **not** do so it is **forbidden.**

אִיכָּא דְּאָמְרִי: אַנְחִירֵיהּ וְאַבֵּית הַשְׁחִיטָה – דָּאֵיב. אַצָּדָדִין, אִי דָּץ בֵּיהּ מִידֵּי – שָׁרֵי, וְאִי לָא – אֲסִיר.

There are those **who say:** If the head was placed **on its nostrils or on the location of the slaughter,** the blood is **drawn out** and the meat is permitted. If he placed it **on** one of its **sides,** then **if** he **inserted something into** it in order to allow the blood to flow out, it is **permitted, and if not it is forbidden.**

אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: שְׁנֵי גִידִין הֵן, הַפְּנִימִי סָמוּךְ לָעֶצֶם – אָסוּר, וְחַיָּיבִין עָלָיו. חִיצוֹן סָמוּךְ לַבָּשָׂר – אָסוּר, וְאֵין חַיָּיבִין עָלָיו.

§ The Gemara returns to the prohibition of eating the sciatic nerve. **Rav Yehuda says** that **Shmuel says: There are two nerves** included in the prohibition of the sciatic nerve. The **inner** nerve, which is **next to the bone, is forbidden** by Torah law, **and one is liable** to be flogged **for** eating **it.** The **outer** nerve, which is **next to the flesh, is forbidden** by rabbinic law, **and** therefore **one is not liable** to be flogged **for** eating **it.**

וְהָתַנְיָא: פְּנִימִי סָמוּךְ לַבָּשָׂר! אָמַר רַב אַחָא, אָמַר רַב כָּהֲנָא: אִיקְּלוּדֵי מִיקְּלִיד.

The Gemara asks: **But isn't it taught** in a *baraita* that the **inner** nerve, which is forbidden by Torah law, is **next to the flesh?** The Gemara answers: **Rav Aḥa said** that **Rav Kahana said:** The inner nerve is next to the bone, but it **bores** into the flesh as well.

וְהָא תַּנְיָא: חִיצוֹן הַסָּמוּךְ לָעֶצֶם! אָמַר רַב יְהוּדָה: הֵיכָא דְּפָרְעֵי טַבָּחֵי.

The Gemara challenges: **But isn't it taught** in a *baraita*: **The outer** nerve **is next to the bone?** The Gemara answers: **Rav Yehuda said:** This is referring to the spot **where the butchers** cut the leg open and **reveal** the nerve, and at that point in the leg the outer nerve is closest to the bone.

אִיתְּמַר, טַבָּח שֶׁנִּמְצָא חֵלֶב אַחֲרָיו. רַב יְהוּדָה אָמַר: בְּכִשְׁעוֹרָה, רַבִּי יוֹחָנָן אָמַר: בְּכַזַּיִת.

§ It **was stated:** With regard to **a butcher who** removed the forbidden fats of the animal, and yet **forbidden fat was found after**[H] he completed his work, **Rav Yehuda says** that the butcher is held liable if there is forbidden fat remaining that is the size of **a barley grain. Rabbi Yoḥanan says** that the butcher is held liable only if there is forbidden fat remaining that is the size **of an olive-bulk.**

HALAKHA

Raw meat that became red – אוּמְצָא דְּאַסְמִיק: Meat that has turned red is permitted to be cooked if it has been cut and salted correctly. If it has not been cut or salted but is instead roasted on coals it is permitted, because the roasting draws out the blood (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:13, and see *Maggid Mishne*, *Leḥem Mishne*, and *Mishne LaMelekh* there; *Shulḥan Arukh*, *Yoreh De'a* 67:4).

And similarly testicles and similarly veins – וְכֵן בֵּיעֵי וְכֵן מְזָרְקֵי: With regard to testicles of domesticated and undomesticated animals within their membranes, and with regard to the neck, which contains veins filled with blood, if one cut them and salted them properly it is permitted to cook them. If one did not cut them but roasted the testicles on a spit or roasted the neck with its opening facing downward, they are permitted. They are also permitted if they were roasted on coals (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:13; *Shulḥan Arukh*, *Yoreh De'a* 65:4).

Placed it so that the location of the slaughter – אוֹתְבֵיהּ אַבֵּית הַשְׁחִיטָה: If one hangs the head of an animal in order to roast it, he must ensure that the neck is facing down so that the blood can flow out. If he placed it on its side, the brain and its membrane are forbidden, but the rest of the head is permitted. If he punctured the skull and placed the hole downward the brain and membrane are permitted, even if he did not puncture the membrane, because the blood can flow out through the hole. The Rema writes that the custom is to be stringent *ab initio*, and not roast an entire head. Even if one wants to hang it so that the neck is facing down, the custom is to not roast the entire head, as there is concern that it may tip onto its side and the blood will not come out while it is being roasted. Rather, the custom is to remove the brain and salt the brain before roasting it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:14; *Shulḥan Arukh*, *Yoreh De'a* 68:1 and *Shakh* there).

Placed on its nostrils – אוֹתְבֵיהּ אַנְחִירֵיהּ: In a case where the head of an animal is placed nostrils down in an oven in order to roast it, if two straws or reeds are placed in its nostrils so that they remain open and the blood can flow out through them, the brain is permitted. If not, the brain is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:14; *Shulḥan Arukh*, *Yoreh De'a* 68:2 and *Shakh* there).

A butcher who removed the forbidden fats and yet forbidden fat was found after – טַבָּח שֶׁנִּמְצָא חֵלֶב אַחֲרָיו: With regard to a butcher whose task is to remove the forbidden fats, nerves and sinews from the animal, if he leaves behind some sinews or membranes, he must be taught and warned not to treat forbidden foods lightly. If he fails to remove forbidden fat the size of a barley grain, he is removed from his job. If he fails to remove an olive-bulk of forbidden fat, even scattered in several places, he receives lashes for rebelliousness and is then removed from his job. The Rema writes that the court determines when he has repented sufficiently and regains his presumptive status of reliability in this regard, which also depends on whether he transgressed intentionally or unwittingly. The correct custom is that the butcher first removes the forbidden parts before selling the meat, so that the purchasers do not stumble and transgress in this matter (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 7:21; *Shulḥan Arukh*, *Yoreh De'a* 64:21).

NOTES

Raw meat that became red – אוּמְצָא דְּאַסְמִיק: Some explain that this phrase is referring to raw meat that became red due to an accumulation of blood from a wound that the animal received while still alive. In such a case, salting the meat without cutting it open is insufficient to remove the blood (Rabbi Yeshaya Pick). Others cite the explanation of the Riva, citing *Halakhot Gedolot*, that the phrase is referring to a piece of meat that had been placed in vinegar, causing the blood to remain in the meat even when salted, unless the meat is cut open (Rosh; Ramban; *Tosafot* on *Pesaḥim* 74b).

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אֲמַר רַב פַּפָּא: וְלָא פְּלִיגִי, כָּאן – לְהַלָּקוֹתוֹ, כָּאן – לְעַבְרוֹ.

Rav Pappa said: Rav Yehuda and Rabbi Yoḥanan are referring to two different levels of liability, **and they do not disagree. Here,** when Rabbi Yoḥanan said he is liable only if there is an olive-bulk of forbidden fat remaining, he was referring **to flogging him. There,** when Rav Yehuda said he is liable even he leaves forbidden fat the size of a barley grain, he was referring **to removing him** from his position as a butcher.

אֲמַר מָר זוּטְרָא: כִּשְׁעוֹרָה – בְּמָקוֹם אֶחָד, כַּזַּיִת – אֲפִילּוּ בִּשְׁנַיִם וּבִשְׁלֹשָׁה מְקוֹמוֹת. וְהִלְכְתָא: לְהַלָּקוֹתוֹ – בְּכַזַּיִת, לְעַבְרוֹ בִּכְשִׁעוֹרָה.

Mar Zutra said an alternative explanation: If the butcher left forbidden fat the size of **a barley grain in one place** he is liable, and if he left forbidden fat the size of **an olive-bulk,** he is liable **even** if it is spread out **in two or three places.** The Gemara concludes: **And the *halakha*** is that with regard to **flogging him,** the butcher is liable only if he left forbidden fat the size of **an olive-bulk.** With regard **to removing him,** the butcher is liable even if he left forbidden fat the size of **a barley grain.**

״אֵין הַשַּׁבָּחִין נֶאֱמָנִין״ [וכו׳]. אָמַר רַבִּי חִיָּיא בַּר אַבָּא, אָמַר רַבִּי יוֹחָנָן: חָזְרוּ לוֹמַר נֶאֱמָנִין.

§ The mishna stated (89b): **Butchers are not deemed credible** to say that the sciatic nerve was removed; this is the statement of Rabbi Meir. And the Rabbis say: They are deemed credible about the sciatic nerve. **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says:** The Rabbis initially held that butchers are not deemed credible about the sciatic nerve, and subsequently **they retracted** and **said** that butchers are **deemed credible** in this regard.

אֲמַר רַב נַחְמָן: אִכַּשּׁוּר דָּרֵי? מֵעִיקָּרָא דְּהָווּ סָבְרִי לָהּ כְּרַבִּי מֵאִיר – לָא הָווּ מְהֵימְנֵי, וּלְבַסּוֹף סָבְרִי כְּרַבִּי יְהוּדָה.

Rav Naḥman said to him: Have the later **generations improved** such that butchers are more reliable than they were in earlier generations? The Gemara answers: **Initially, when** the Rabbis **held in accordance with** the opinion of **Rabbi Meir** that one must scrape around the flesh in order to remove the roots of the sciatic nerve, butchers **were not deemed credible,** due to the exertion involved in this process. **But later** the Rabbis **held in accordance with** the opinion of **Rabbi Yehuda** that it is unnecessary to scrape around the flesh. Consequently, removing the sciatic nerve is not especially arduous, and butchers are deemed credible to say that they removed it.

אִיכָּא דְּמַתְנִי לָהּ אַסֵּיפָא: ״וַחֲכָמִים אוֹמְרִים: נֶאֱמָנִין עָלָיו וְעַל הַחֵלֶב״, אָמַר רַבִּי חִיָּיא בַּר אַבָּא, אָמַר רַבִּי יוֹחָנָן: חָזְרוּ לוֹמַר אֵין נֶאֱמָנִין. אָמַר רַב נַחְמָן: בַּזְּמַן הַזֶּה – נֶאֱמָנִין.

There are those who teach this discussion **with regard to the latter clause** of the mishna, as follows: **And the Rabbis say: They are deemed credible about** the sciatic nerve **and about the** forbidden **fat. Rabbi Ḥiyya bar Abba said** that **Rabbi Yoḥanan said: They** subsequently **retracted** this opinion and **said** that butchers **are not deemed credible. Rav Naḥman says: Today** the butchers **are deemed credible.**

אִכַּשּׁוּר דָּרֵי? מֵעִיקָּרָא סַבְרוּהָ כְּרַבִּי יְהוּדָה, הֲדַר סַבְרוּהָ כְּרַבִּי מֵאִיר,

The Gemara asks: Have the later **generations improved** such that butchers are more reliable than they were in earlier generations? The Gemara answers: **Initially they held** that the *halakha* is **in accordance with** the opinion of **Rabbi Yehuda** that one is not required to scrape around the flesh to remove the roots of the sciatic nerve, and therefore butchers were deemed credible to say that they removed it. The Rabbis **then** reversed their opinion and **held** that the *halakha* is **in accordance with** the opinion of **Rabbi Meir** that one is required to scrape around the flesh.

כַּמָּה דְּהָווּ דְּכִירִי לָהּ לִדְרַבִּי יְהוּדָה – לָא מְהֵימְנֵי, וְהָשְׁתָּא דְּאַנְשִׁיוּהָ לִדְרַבִּי יְהוּדָה – מְהֵימְנֵי.

As **long as** the butchers **remembered** the opinion **of Rabbi Yehuda** and did not scrape around the flesh to remove the roots of the sciatic nerve, **they were not deemed credible** to say that they removed it; **but now that they have forgotten** the opinion **of Rabbi Yehuda** and have grown accustomed to scraping around the flesh to remove the roots of the sciatic nerve, **they are deemed credible.**

״וְעַל הַחֵלֶב״. חֵלֶב מַאן דְּכַר שְׁמֵיהּ? הָכִי קָאָמַר: אֵין נֶאֱמָנִין עָלָיו וְעַל הַחֵלֶב, וַחֲכָמִים אוֹמְרִים נֶאֱמָנִין עָלָיו וְעַל הַחֵלֶב.

§ The mishna teaches that the Rabbis maintain that butchers are deemed credible about the sciatic nerve **and about the** forbidden **fat.** The Gemara asks: **Who mentioned anything about** forbidden **fat?** The topic of discussion in the mishna until this point is the sciatic nerve, not forbidden fat; why do the Rabbis mention forbidden fat? The Gemara answers: **This** is what the mishna **is saying:** The butchers **are not deemed credible about** the sciatic nerve **or about the** forbidden **fat;** this is the statement of Rabbi Meir. **But the Rabbis say:** The butchers **are deemed credible about** the sciatic nerve **and about the** forbidden **fat.**

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מתני׳ שׁוֹלֵחַ אָדָם יָרֵךְ לְגוֹי שֶׁגִּיד הַנָּשֶׁה בְּתוֹכָהּ, מִפְּנֵי שֶׁמְּקוֹמוֹ נִיכָּר.

MISHNA Although it is prohibited for Jews to eat the sciatic nerve, **a** Jewish **person** may **send** the **thigh** of an animal **to a gentile with the sciatic nerve in it,** without concern that the gentile will then sell the thigh to a Jew and the Jew will eat the sciatic nerve. This leniency is **due to** the fact **that the place** of the sciatic nerve **is conspicuous** in the thigh.

גמ׳ שְׁלֵמָה – אִין, חֲתוּכָה – לָא. בְּמַאי עָסְקִינַן? אִילֵימָא בְּמָקוֹם שֶׁאֵין מַכְרִיזִין

GEMARA The mishna's statement that a Jew may send a thigh to a gentile indicates that if it is **whole, yes,** a Jew may send it to a gentile, but if the thigh has been **cut,** a Jew may **not** send it to a gentile. The Gemara asks: **What are we dealing with? If we say** that the mishna is referring **to a place where** all the butchers are Jewish but **they do not announce** publicly when they have sold to a gentile an animal that turns out to have a wound that will cause it to die within twelve months [*tereifa*], then it is prohibited for Jews to purchase any meat from gentiles, due to the possibility that it was from an animal that was a *tereifa*.

Perek **VII**
Daf **94** Amud **a**

חֲתוּכָה נַמִּי לִישְׁדַּר לֵיהּ, דְּהָא לָא אָתוּ לְמִזְּבַן מִינֵּיהּ! אֶלָּא בְּמָקוֹם שֶׁמַּכְרִיזִין – שְׁלֵמָה נַמִּי לָא לִישְׁדַּר לֵיהּ, דַּחֲתִיךְ לֵיהּ וּמְזַבֵּין לֵיהּ!

Consequently, it should **also** be permitted **to send** to a gentile a thigh that has been **cut, because** Jews **will not come to purchase** it **from him. Rather,** if the mishna is referring **to a place where** all the butchers are Jewish, and **they announce** every time they sell a *tereifa* to a gentile, in which case Jews may purchase meat from the local gentiles when such an announcement is not made, one should **not** be permitted **to send even a whole** thigh to a gentile, due to the concern **that** he might **cut it up and sell it to** Jews who would not realize that it still contains the sciatic nerve.

אִי בָּעֵית אֵימָא בְּמָקוֹם שֶׁמַּכְרִיזִין, וְאִי בָּעֵית אֵימָא בְּמָקוֹם שֶׁאֵין מַכְרִיזִין.

The Gemara offers two answers: **If you wish, say** that the mishna is referring **to a place where they announce** every time they sell a *tereifa*; **and if you wish, say** that the mishna is referring **to a place where they do not announce** every time they sell a *tereifa*.

אִי בָּעֵית אֵימָא בְּמָקוֹם שֶׁמַּכְרִיזִין: חִיתּוּכָא דְּגוֹי מֵידַע יָדַע.

The Gemara explains: **If you wish, say** that the mishna is referring **to a place where they announce** every time they sell a *tereifa*, and nevertheless it is permitted to send a whole thigh of meat to a gentile. There is no concern that the gentile will sell the thigh to a Jew, because the Jew **would know** that it is non-kosher by the manner of **cutting of the gentile.** Jewish butchers would cut the meat in a distinctive manner that would not be replicated by a gentile who cut the meat.

וְאִי בָּעֵית אֵימָא בְּמָקוֹם שֶׁאֵין מַכְרִיזִין: גְּזֵירָה שְׁמָא יִתְּנֶנָּה לוֹ בִּפְנֵי יִשְׂרָאֵל אַחֵר.

And if you wish, say that the mishna is referring **to a place where they do not announce** every time they sell a *tereifa*, and nevertheless it is prohibited to give the gentile a thigh that has been cut up. The Sages issued a **decree** against doing so, **lest he give it to** the gentile **in the presence of another Jew,** who will think that it is kosher and purchase it from the gentile.

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וְאִי בָּעֵית אֵימָא: מִשּׁוּם דְּקָא גָּנֵיב לֵיהּ לְדַעְתֵּיהּ. דַּאֲמַר שְׁמוּאֵל: אָסוּר לִגְנוֹב דַּעַת הַבְּרִיּוֹת, וַאֲפִילּוּ דַּעְתּוֹ שֶׁל גּוֹי.

And if you wish, say that there is an entirely different reason why one may not send a gentile a cut-up thigh without removing the sciatic nerve: **Because he** thereby **deceives** the gentile. The gentile will think that the Jew has exerted himself to cut up the leg and remove the sciatic nerve and that although the Jew could have eaten the meat himself he decided to send it to the gentile. The gentile will therefore be more appreciative of the gift than he would be if he realized that the sciatic nerve had not been removed. This is **as Shmuel**[P] **said: It is prohibited to deceive people, and even** to deceive **a gentile.**[NH]

וְהָא דִּשְׁמוּאֵל, לָאו בְּפֵירוּשׁ אִיתְּמַר אֶלָּא מִכְּלָלָא אִיתְּמַר. דִּשְׁמוּאֵל הֲוָה קָא עָבַר בְּמַבְרָא. אֲמַר לֵיהּ לְשַׁמָּעֵיהּ: פַּיְיסֵיהּ לְמַבּוֹרֵיהּ, פַּיְיסֵיהּ, וְאִיקְפַּד.

And the Gemara points out that **this** ruling **of Shmuel was not stated explicitly; rather, it was stated by inference,** i.e., it was inferred based upon the following incident: **Shmuel was** once **crossing** a river **in a ferry** [*mavra*].[L] **He said to his attendant: Compensate the ferryman** with an appropriate gift. The attendant **compensated him, but** Shmuel **became angry** with his attendant.

מַאי טַעְמָא אִיקְפַּד? אֲמַר אַבַּיֵי: תַּרְנְגוֹלְתָּא טְרָפָה הֲוַאי, וְיָהֲבָה נִיהֲלֵיהּ בְּמַר דְּשָׁחוּטָה. רָבָא אָמַר: אַנְפָּקָא אֲמַר לֵיהּ לְאַשְׁקוּיֵי, וְאַשְׁקְיֵיהּ חַמְרָא מְזִיגָא.

The Gemara asks: **What is the reason** that Shmuel **became angry? Abaye said:** The compensation that the attendant gave the ferryman **was a chicken** that was a *tereifa*, **and he gave it to him as though it were a slaughtered,** kosher chicken. **Rava said:** Shmuel **told him to give** the ferryman wine **for drinking** in **an *anpaka*,**[L] i.e., a utensil that holds a quarter-*log* and which was generally used for undiluted wine, **but he gave him diluted wine**[B] **for drinking.** According to both Abaye and Rava, Shmuel was upset that his attendant deceived the gentile ferryman.

וְכִי מִכְּלָלָא מַאי? לְמַאן דַּאֲמַר טְרָפָה הֲוַאי – אֲמַר לֵיהּ: אַמַּאי תַּשְׁהֶא אִיסּוּרָא?

The Gemara asks: **And if** Shmuel's opinion was derived **by inference, what** of it? The story clearly demonstrates that according to Shmuel it is prohibited to deceive a gentile. The Gemara answers that it cannot be ascertained with certainty that this is the reason Shmuel became angry. **According to the one who said it was** a chicken that was a ***tereifa*** that was given as compensation, perhaps Shmuel became angry and **said to** his attendant: **Why did you retain** in your possession an animal that is **forbidden** for consumption? This could have led to a Jew accidentally eating it.

לְמַאן דַּאֲמַר אַנְפָּקָא אֲמַר לֵיהּ לְאַשְׁקוּיֵי – אַנְפָּקָא, חַיָּיא מַשְׁמַע.

Similarly, **according to the one who said** that Shmuel **told him to give** the ferryman wine **to drink** in **an *anpaka*,** since ***anpaka* indicates undiluted** wine and the attendant gave the ferryman diluted wine, perhaps Shmuel became angry simply because his attendant disobeyed his instruction.

תַּנְיָא, הָיָה רַבִּי מֵאִיר אוֹמֵר: אַל יְסָרְהֵב אָדָם לַחֲבֵירוֹ לִסְעוֹד אֶצְלוֹ, וְיוֹדֵעַ בּוֹ שֶׁאֵינוֹ סוֹעֵד. וְלֹא יַרְבֶּה לוֹ בְּתִקְרוֹבֶת, וְיוֹדֵעַ בּוֹ שֶׁאֵינוֹ מְקַבֵּל.

§ Apropos the prohibition against acting deceitfully, the Gemara cites other statements on this topic. **It is taught** in a *baraita* that **Rabbi Meir would say: A person may not importune** [*yesarhev*][L] **another to eat with him,**[H] making it seem as though he genuinely wants his company, **but** in reality he entreats him only because **he knows that** the other **will not eat** with him, i.e., will not accept the invitation. **And** similarly, **one may not** send another person **many gifts** merely because **he knows that** the other **will not accept** them.

NOTES

It is prohibited to deceive people, and even a gentile – אָסוּר לִגְנוֹב דַּעַת הַבְּרִיּוֹת וַאֲפִילּוּ דַּעְתּוֹ שֶׁל גּוֹי: The Sages state (*Tosefta*, *Bava Kamma* 7:8) that deceiving another is equivalent to actually stealing from him, and one who does so is called a thief. They cite proof from a verse with regard to Absalom: "And in this manner did Absalom to all Israel that came to the king for judgment; so Absalom stole the hearts of the men of Israel" (II Samuel 15:6). Some of the early commentaries write that deceiving another, whether a Jew or a gentile, violates a prohibition by Torah law (Ritva).

HALAKHA

It is prohibited to deceive people, and even a gentile – אָסוּר לִגְנוֹב דַּעַת הַבְּרִיּוֹת וַאֲפִילּוּ דַּעְתּוֹ שֶׁל גּוֹי: It is prohibited to deceive people in business. For example, if there is a blemish on merchandise the seller must inform the purchaser. This *halakha* applies to deceiving a gentile as well. Therefore, one may not sell non-kosher meat to a gentile under the presumption that it is kosher. This is in accordance with the opinion of Shmuel (Rambam *Sefer HaMadda*, *Hilkhot Deot* 2:6 and *Sefer Kinyan*, *Hilkhot Mekhira* 18:1, 3; *Shulḥan Arukh*, *Ḥoshen Mishpat* 228:6).

A person may not importune another to eat with him, etc. – אַל יְסָרְהֵב אָדָם לַחֲבֵירוֹ לִסְעוֹד אֶצְלוֹ וכו': It is prohibited to deceive another verbally or to deceptively appear to perform an action on behalf of another. For example, one may not importune another to eat with him knowing that he will not accept. Likewise, he may not send gifts to another knowing that he will not accept them. He may also not open new barrels of wine for sale when the recipient believes they were opened in his honor. He must first tell him that he is not opening them especially for his honor. This is in accordance with the opinion of Rabbi Meir (Rambam *Sefer HaMadda*, *Hilkhot Deot* 2:6 and *Sefer Kinyan*, *Hilkhot Mekhira* 18:1; *Shulḥan Arukh*, *Ḥoshen Mishpat* 228:6).

LANGUAGE

Ferry [*mavra*] – מַבְרָא: An abridged form of the Aramaic *ma'abera*, meaning a small boat or raft used to cross a river. As these ferries were usually designated for short trips, they generally did not have extra storage space or a place to securely hold animals.

***Anpaka* – אַנְפָּקָא:** The source of this word is unclear, but apparently it is related to the Armenian *empak*, meaning drinking vessel.

Importune [*yesarhev*] – יְסָרְהֵב: Although this word means to pressure or entreat, it is similar to the word refuse [*yesarev*], which can also mean to pressure. Some explain that the root of the word is *rahav*, denoting power or arrogance, or *riv*, meaning quarrel.

BACKGROUND

Diluted wine – חַמְרָא מְזִיגָא: In antiquity, wine was customarily drunk only after being diluted with water. The ratio of wine to water depended on local custom and preference.

PERSONALITIES

Shmuel – שְׁמוּאֵל: Shmuel was a first-generation *amora* who was born and ultimately passed away in Neharde'a. A child prodigy, he was renowned not only for his Torah knowledge, but for his secular learning as well. The Gemara is replete with stories of his expertise in such areas as language, medicine, astronomy, and the natural sciences. In fact, the Gemara records that Shmuel, who had traveled to Eretz Yisrael to study with the students of Rabbi Yehuda HaNasi, treated Rabbi Yehuda HaNasi's eye ailment, and Rabbi Yehuda HaNasi regretted that he was unable to find an opportunity to ordain him. After his return to Babylonia, Shmuel was appointed as one of the judges of the Diaspora community. Together with his colleague Rav, Shmuel raised the standard of Torah study in Babylonia to a level where thousands of students chose to remain there rather than to travel to Eretz Yisrael to attend the academy there. Shmuel viewed Babylonia as second in sanctity only to Eretz Yisrael and ruled that it was forbidden to leave it to travel to other locations in the Diaspora. He was a close friend of King Shapur I of Persia, a benevolent monarch who was tolerant of religious diversity in his kingdom.

Shmuel lived to an old age, leaving behind two daughters famous for their wisdom and modesty.

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וְלֹא יִפְתַּח לוֹ חָבִיּוֹת הַמְכוּרוֹת לַחֲנָוָנִי, אֲבָל אִם כֵּן הוֹדִיעוֹ. וְלֹא יֹאמַר לוֹ ״סוֹךְ שָׁמֶן״ מִפַּךְ רֵיקָן, וְאִם בִּשְׁבִיל כְּבוֹדוֹ – מוּתָּר.

And one may not open barrels of wine for a guest if they have already been **sold to a storekeeper,**[N] **unless he notifies** the guest beforehand that the barrel had been sold. **And he may not say to** another: **Anoint** yourself with **oil,** and place **an empty** jug[H] before him with the knowledge that he will not attempt to anoint himself. **But if** he does so **for** the guest's **honor,** to show that he holds his guest in high esteem, rather than to deceive the guest so that he will feel indebted to him, **it is permitted.**

אִינִי, וְהָא עוּלָּא אִיקְּלַע לְבֵי רַב יְהוּדָה, פָּתַח לוֹ חָבִיּוֹת הַמְכוּרוֹת לַחֲנָוָנִי! אוֹדוּעֵי אוֹדְעֵיהּ. וְאִיבָּעֵית אֵימָא: שָׁאנֵי עוּלָּא דְּחָבִיב לֵיהּ לְרַב יְהוּדָה, דִּבְלָאו הָכִי נַמִּי פָּתוּחֵי מִפְתַּח לֵיהּ.

The Gemara asks: **Is that so? But didn't Ulla happen** to come **to the house of Rav Yehuda,** and Rav Yehuda **opened barrels** of wine **for** Ulla **that** had already been **sold to a storekeeper?** The Gemara answers: Rav Yehuda **notified** Ulla that he was not opening the barrels especially for him. **And if you wish, say** that **Ulla is different** from an ordinary guest **because he was** very **dear to Rav Yehuda, so that even without this,** i.e., even if he had not already sold the barrels to a storekeeper, Rav Yehuda would have **opened** the barrels **for him.**

תָּנוּ רַבָּנָן: לֹא יֵלֵךְ אָדָם לְבֵית הָאֵבֶל, וּבְיָדוֹ לָגִין הַמִּתְקַשְׁקֵשׁ. וְלֹא יְמַלְּאֶנּוּ מַיִם, מִפְּנֵי שֶׁמַּתְעֶה. וְאִם יֵשׁ שָׁם חֶבְרַ עִיר – מוּתָּר.

The Sages taught in a *baraita*: **A person may not go to a house of mourning with a** wine **jug** [***lagin***][LB] **in his hand that** is mostly empty and where the small amount of wine **rattles**[H] about, because the mourner will think that his visitor is bringing him a full jug of wine. **And he may not fill up** that jug of wine with **water, because he** thereby **misleads** the mourner into thinking he has brought him a full jug of undiluted wine. **But if there is a crowd of people** [***ḥever ir***][L] and the guest wants to honor the mourner in their presence, **it is permitted.**

תָּנוּ רַבָּנָן: לֹא יִמְכּוֹר אָדָם לַחֲבֵירוֹ סַנְדָּל שֶׁל מֵתָה בִּכְלַל שֶׁל חַיָּה שְׁחוּטָה, מִפְּנֵי שְׁנֵי דְּבָרִים: אֶחָד – מִפְּנֵי שֶׁמַּתְעֶה, וְאֶחָד – מִפְּנֵי הַסַּכָּנָה.

The Sages taught in a *baraita*: **A person may not sell to another a sandal**[BH] made from the hide **of** an animal that **died** of natural causes **as** though it were a sandal made from the hide **of a healthy animal that was slaughtered.** This is prohibited **due to two factors: One, because he misleads** the customer into thinking that the leather is of higher quality than it really is; **and another, because of the danger** involved, as it is possible that the animal died from a snake-bite and the poison seeped into the part of the animal's hide from which the sandal is made.

LANGUAGE

Jug [*lagin*] – לָגִין: Apparently from the Greek λάγηνος, *lagēnos*, or the Latin lagena, both of which denote a container similar to a bottle or small jug.

Crowd of people [*ḥever ir*] – חֶבְרַ עִיר: According to many commentaries, the *ḥever ir* is a type of city council on which the leading Sages sat, either in official capacities or solely as religious leaders. Alternatively, the *ge'onim* and Rashi elsewhere explain the term as an outstanding Torah scholar in whose honor the other important people of the city would gather. In this context, though, Rashi interprets it as a group of people gathered together.

BACKGROUND

Jug – לָגִין: A jug was a vessel usually made from earthenware that served as a container for beverages kept on the table in order to pour those beverages into the cups of those dining there, similar to the use of a jug or bottle in modern times. Such jugs held a maximum volume of two to three liters.



Jug from the talmudic period

Sandal – סַנְדָּל:



Detail of statue with sandal, from the talmudic period

NOTES

And one may not open barrels if they have already been sold to a storekeeper – וְלֹא יִפְתַּח לוֹ חָבִיּוֹת הַמְכוּרוֹת לַחֲנָוָנִי: Wine from a newly opened barrel is of superior quality, but once the barrel is open the wine begins to lose some of its flavor. If one still had wine in his open barrel, he would not open a new barrel unless he was honoring a distinguished guest. It was common for people to produce wine and sell the unopened barrels to storekeepers, who would then sell the contents little by little to customers. If the host has already sold the barrel to a storekeeper, it would be misleading to take some of the wine from the barrel, for which he will then pay the storekeeper, giving the impression that he was opening his own barrel in honor of the guest.

HALAKHA

And he may not say to him anoint yourself with oil, and place an empty jug – וְלֹא יֹאמַר לוֹ סוֹךְ שָׁמֶן מִפַּךְ רֵיקָן: One may not tell another to anoint himself with oil from a certain container if he knows it is empty, because he thereby deceives him. This is in accordance with the opinion of Rabbi Meir. But if there is oil within, it is permitted for him to tell another to anoint from it, even knowing that he will not do so, because it shows him honor (*Shulḥan Arukh*, *Ḥoshen Mishpat* 228:7 and *Sma* and *Netivot HaMishpat* there).

A person may not go to a house of mourning with a wine jug in his hand that rattles – לֹא יֵלֵךְ אָדָם לְבֵית הָאֵבֶל וּבְיָדוֹ לָגִין הַמִּתְקַשְׁקֵשׁ: One may not go to a house of morning carrying an empty vessel such that the mourner thinks it is filled with wine, because he thereby deceives the mourner. If he does so in order to honor the mourner it is permitted. This ruling is in accordance with the *baraita* (*Shulḥan Arukh*, *Ḥoshen Mishpat* 228:7).

A person may not sell to another a sandal, etc. – לֹא יִמְכּוֹר אָדָם לַחֲבֵירוֹ סַנְדָּל וכו': One may not sell an item made of leather from an animal that died of natural causes as if it were made of leather from a slaughtered animal, because he thereby deceives the purchaser. This is in accordance with the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Deot* 2:6; *Shulḥan Arukh*, *Ḥoshen Mishpat* 228:8).

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וְלֹא יְשַׁגֵּר אָדָם לַחֲבֵירוֹ חָבִית שֶׁל יַיִן, וְשָׁמָן צָף עַל פִּיהָ. וּמַעֲשֶׂה בְּאֶחָד שֶׁשִּׁיגֵּר לַחֲבֵירוֹ חָבִית שֶׁל יַיִן, וְשָׁמָן צָף עַל פִּיהָ. וְהָלַךְ וְזִימֵּן עָלֶיהָ אוֹרְחִין, וְנִכְנְסוּ. מְצָאָהּ שֶׁהִיא שֶׁל יַיִן – וְחָנַק אֶת עַצְמוֹ.

And furthermore **a person may not send a barrel of wine to another with oil floating at its mouth,**[H] such that the recipient thinks that it is a barrel of oil. There was **an incident involving a certain** individual **who sent a barrel of wine to another with oil floating at its mouth, and that** recipient, thinking it was a barrel of oil, **went and invited guests** to share **it** with him, **and** the guests **arrived.** When the host went to bring them oil, **he found that it was** a barrel **of wine** rather than oil, **and** in his shame at not having oil for them, **he hanged himself** and died.

וְאֵין הָאוֹרְחִין רַשָּׁאִין לִיתֵּן מִמַּה שֶּׁלְּפָנֵיהֶם לִבְנוֹ וּלְבִתּוֹ שֶׁל בַּעַל הַבַּיִת, אֶלָּא אִם כֵּן נָטְלוּ רְשׁוּת מִבַּעַל הַבַּיִת.

The *baraita* continues: **And guests are not permitted to give** some **of** the food **that is** placed **before them to the son or to the daughter of the host**[H] **unless they** first **receive permission from the host.**

וּמַעֲשֶׂה בְּאֶחָד שֶׁזִּמֵּן שְׁלֹשָׁה אוֹרְחִין בִּשְׁנֵי בַצּוֹרֶת, וְלֹא הָיָה לוֹ לְהַנִּיחַ לִפְנֵיהֶם אֶלָּא כְּשֶׁלֹּשׁ בֵּיצִים. בָּא בְנוֹ שֶׁל בַּעַל הַבַּיִת, נָטַל אֶחָד מֵהֶן חָלְקוֹ – וּנְתָנוֹ לוֹ, וְכֵן שֵׁנִי, וְכֵן שְׁלִישִׁי. בָּא אָבִיו שֶׁל תִּינוֹק מְצָאוֹ שֶׁעוֹזֵק אֶחָד בְּפִיו וּשְׁתַּיִם בְּיָדוֹ, חֲבָטוֹ בַּקַּרְקַע וּמֵת. כֵּיוָן שֶׁרָאֲתָה אִמּוֹ – עָלְתָה לַגַּג וְנָפְלָה וּמֵתָה, אַף הוּא עָלָה לַגַּג וְנָפַל וּמֵת.

And there was **an incident involving a certain** individual **who invited three guests during years of famine, and he had** enough **to place only three eggs before them. The son of the host came,** and **one of** the guests **took his portion and gave it to** the son. **And similarly the second** guest gave his portion to the son, **and similarly the third** guest. **The father of the child came and found that** his son was **holding one** egg **in his mouth and two in his hand.** The father became so angry with his son for taking all the food that **he hit** the son **to the ground, and** the son **died. When his mother saw** what had happened, **she ascended to the roof and fell** down to the ground **and died.** And when the father saw that both his son and his wife were dead **he also ascended to the roof and fell** down to the ground **and died.**

אָמַר רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב: עַל דָּבָר זֶה נֶהֶרְגוּ שָׁלֹשׁ נְפָשׁוֹת מִיִּשְׂרָאֵל! מַאי קָמַשְׁמַע לָן – דְּכוּלָּהּ רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב הִיא.

Rabbi Eliezer ben Yaakov said: For this matter of giving food to the child of the host, **three Jewish souls were killed.** The Gemara asks: **What does this** statement **teach us?** It is obvious from the incident that three people were killed. The Gemara answers: It teaches **that the entire** *baraita* **is** taught by **Rabbi Eliezer ben Yaakov.**

תָּנוּ רַבָּנַן: הַשּׁוֹלֵחַ יָרֵךְ לַחֲבֵירוֹ. שְׁלֵימָה – אֵינוֹ צָרִיךְ שֶׁיְּטוֹל הַיְמָנָה גִּיד הַנָּשֶׁה. חֲתוּכָה – צָרִיךְ לְיַטּוֹל הַיְמָנָה גִּיד הַנָּשֶׁה. וּבְגוֹי, בֵּין חֲתוּכָה וּבֵין שְׁלֵימָה – אֵין צָרִיךְ לְיַטּוֹל הַיְמָנָה גִּיד הַנָּשֶׁה.

§ **The Sages taught** in a *baraita*: In the case of **one who sends** a whole **thigh** of an animal **to another, he is not required to** first **remove the sciatic nerve from it.** This is because the recipient can see that it has not yet been removed and will not eat it until he removes the sciatic nerve himself. But if one sends a thigh that has been **cut** up, **he is required to** first **remove the sciatic nerve from it** so that the recipient does not eat it unwittingly. **And in** the case of one who sends a thigh to **a gentile,** regardless of **whether it is cut or whole he is not required to remove the sciatic nerve from it.**

וּמִפְּנֵי שְׁנֵי דְּבָרִים אָמְרוּ, אֵין מוֹכְרִין נְבֵילוֹת וּטְרֵפוֹת לְגוֹי. אֶחָד – מִפְּנֵי שֶׁמַּתְעֶה הוּא, וְאֶחָד – שֶׁמָּא יַחֲזוֹר וְיִמְכְּרֶנָּה לְיִשְׂרָאֵל אַחֵר.

And it was **due to two factors** that the Sages **said** that **one may not sell** meat from unslaughtered **animal carcasses or *tereifot* to a gentile: One, because it misleads him,** as he thinks that it is kosher meat, which is more desirable; **and another** factor is the concern **lest** the gentile **then sell** the meat **to another Jew,** who will think it is kosher since it originally was sold by a Jew.

וְלֹא יֹאמַר אָדָם לְגוֹי: ״קַח לִי בִּדִינָר זֶה בָּשָׂר״, מִפְּנֵי שְׁנֵי דְּבָרִים:

And similarly, **a person may not say to a gentile: Purchase meat for me** from a Jewish butcher **with this dinar, due to two factors:**

HALAKHA

חָבִית – A barrel of wine to another with oil floating at its mouth שֶׁל יַיִן וְשָׁמָן צָף עַל פִּיהָ: One may not send a barrel of wine to another with oil floating at its mouth, because he thereby deceives him, in accordance with the *baraita* (Rambam *Sefer HaMadda*, *Hilkhot Deot* 2:6; *Shulḥan Arukh*, *Ḥoshen Mishpat* 228:8).

אֵין הָאוֹרְחִין רַשָּׁאִין לִיתֵּן מִמַּה שֶּׁלְּפָנֵיהֶם לִבְנוֹ וּלְבִתּוֹ שֶׁל בַּעַל הַבַּיִת – Guests are not permitted to give of food that is placed before them to the son or to the daughter of the host: Guests may not take the food placed before them and give it to the children or servants of the host without first asking permission. But if there is plenty of food on the table, so that there is certainly enough for them, they do not need to ask permission (*Magen Avraham*). If the guests have already finished eating and there is food remaining, they certainly may give the leftovers without asking permission (*Mishna Berura*). Some authorities, such as the *Shemen Roke'aḥ*, hold that one must be stringent in every case (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 7:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 170:19).

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אֶחָד, מִפְּנֵי הָאַנָּסִין. וְאֶחָד, שֶׁמָּא מוֹכְרִין לוֹ נְבֵלוֹת וּטְרֵפוֹת.

One factor is **because of the oppressors,**[B] i.e., the concern that perhaps the gentile will keep the money for himself and force the merchant to give him the meat without payment. **And another** factor is **lest** the merchant **sell him** meat from unslaughtered **carcasses or *tereifot*** without realizing that the gentile is purchasing the meat on behalf of a Jew.

BACKGROUND

Oppressors – אַנָּסִין: The Gemara in tractate *Bava Metzia* (28b) describes an era when the oppressors proliferated. These were officials who would confiscate property by force for the king's storehouse. There were also others who used the king's authority to pressure people and extort money for their own use through fear.

אָמַר מָר: וּבְגוֹי, בֵּין שֶׁלֵּימָה בֵּין חֲתוּכָה אֵינוֹ צָרִיךְ לִיטוֹל הֵימֶנָּה גִּיד הַנָּשֶׁה. בְּמַאי עָסְקִינַן? אִילֵימָא בְּמָקוֹם שֶׁמַּכְרִיזִין – חֲתוּכָה אַמַּאי אֵינוֹ צָרִיךְ לִיטוֹל הֵימֶנָּה גִּיד הַנָּשֶׁה? כֵּיוָן דְּלָא אַכְרוּז, אָתֵי לְמִיזְבַּן מִינַּיהּ!

The Master said in the *baraita*: **And in** the case of one who sends a thigh to **a gentile,** regardless of **whether it is cut or whole he is not required to remove the sciatic nerve from it.** The Gemara asks: **What are we dealing with? If we say** that it is referring **to a place** where all the butchers are Jewish and **they announce** every time they sell non-kosher meat to a gentile, then in the case of a thigh that has been **cut, why** is one **not required to remove the sciatic nerve? Since it was not announced** that they sold non-kosher meat, a Jew might **come to purchase it from** a gentile without realizing that it still contains the sciatic nerve.

אֶלָּא פְּשִׁיטָא: בְּמָקוֹם שֶׁאֵין מַכְרִיזִין, אֵימָא מְצִיעָתָא: מִפְּנֵי שְׁנֵי דְּבָרִים אָמְרוּ אֵין מוֹכְרִין נְבֵלוֹת וּטְרֵפוֹת לְגוֹי. אֶחָד, מִפְּנֵי שֶׁמַּטְעֶהוּ. וְאֶחָד, שֶׁמָּא יַחֲזוֹר וְיִמְכְּרֶנָּה לְיִשְׂרָאֵל אַחֵר.

Rather, it is **obvious** that it is referring **to a place where they do not announce** every time they sell non-kosher meat, and in such a place a Jew would not purchase meat from a gentile. But **say the middle clause** of the *baraita*: And it was **due to two factors** that the Sages **said** that **one may not sell** meat from unslaughtered **animal carcasses or *tereifot* to a gentile: One** is **because it misleads him; and another** is the concern **lest** the gentile **then sell** the meat **to another Jew,** who will think it is kosher since it originally was sold by a Jew.

וְאִי בְּמָקוֹם שֶׁאֵין מַכְרִיזִין – הָא לָא אָתֵי לְמִיזְבַּן מִינַּיהּ! אֶלָּא פְּשִׁיטָא: בְּמָקוֹם שֶׁמַּכְרִיזִין.

But if the *baraita* is referring **to a place where they do not announce** every time they sell non-kosher meat to a gentile, a Jew **will not come to purchase** the meat **from** the gentile. **Rather,** it is **obvious** that the *baraita* is referring **to a place where they announce** every time they sell non-kosher meat.

אֵימָא סֵיפָא: לֹא יֹאמַר אָדָם לְגוֹי ״קַח לִי בְּדִינָר זֶה בָּשָׂר״, מִפְּנֵי שְׁנֵי דְּבָרִים: אֶחָד, מִפְּנֵי הָאַנָּסִין. וְאֶחָד, שֶׁמָּא מוֹכְרִין לוֹ נְבֵילוֹת וּטְרֵפוֹת. וְאִי בְּמָקוֹם שֶׁמַּכְרִיזִין – אִי אִיתָא דַּהֲוָה טְרֵפָה, אַכְרוּזֵי הֲווּ מַכְרְזֵי!

But **say the latter clause:** And similarly, **a person may not say to a gentile: Purchase meat for me with this dinar, due to two factors. One** factor is **because of the oppressors, and another** factor is **lest** the merchant **sell him** meat from unslaughtered **carcasses or *tereifot*** without realizing that the gentile is purchasing the meat on behalf of a Jew. **But if** it is referring **to a place where they announce** every time non-kosher meat is sold, **if** it would happen **that it was a *tereifa*** the butchers **would have announced** the fact, and the Jew would know not to eat that meat.

אֶלָּא פְּשִׁיטָא: בְּמָקוֹם שֶׁאֵין מַכְרִיזִין, רֵישָׁא וְסֵיפָא – בְּמָקוֹם שֶׁאֵין מַכְרִיזִין, מְצִיעָתָא – בְּמָקוֹם שֶׁמַּכְרִיזִין?

Rather, it is **obvious** that the *baraita* is referring **to a place where they do not announce** every time non-kosher meat is sold. But is it possible that **the first clause and the latter clause** of the *baraita* are referring **to a place where they do not announce** every time non-kosher meat is sold but **the middle clause** is referring **to a place where they** do **announce** every time non-kosher meat is sold?

אָמַר אַבַּיֵי: אִין, רֵישָׁא וְסֵיפָא – בְּמָקוֹם שֶׁאֵין מַכְרִיזִין, מְצִיעָתָא – בְּמָקוֹם שֶׁמַּכְרִיזִין.

Abaye said: Yes, the first clause and the latter clause of the *baraita* are referring **to a place where they do not announce** every time non-kosher meat is sold, and **the middle clause** is referring **to a place where they** do **announce** every time non-kosher meat is sold.

רָבָא אָמַר: כּוּלָּהּ בְּמָקוֹם שֶׁמַּכְרִיזִין, רֵישָׁא וְסֵיפָא – שֶׁהִכְרִיזוּ, מְצִיעָתָא – שֶׁלֹּא הִכְרִיזוּ.

Rava said: The **entire** *baraita* is referring **to a place where they announce** every time non-kosher meat is sold. **The first clause and the latter clause** are referring to days **when they announced** that non-kosher meat had been sold, and **the middle clause** is referring to a day **when they did not announce** that non-kosher meat had been sold.

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רַב אַשִׁי אָמַר: כּוּלָּהּ בְּמָקוֹם שֶׁאֵין מַכְרִיזִין, וּמְצִיעֲתָא – גִּוִּירָה שָׁמָּא יִמְכְּרֶנָּה בִּפְנֵי יִשְׂרָאֵל.

Rav Ashi said: The **entire** *baraita* is referring **to a place where they do not announce** every time non-kosher meat is sold. **And** the reason that **the middle clause** teaches that it is prohibited to sell meat from unslaughtered carcasses or *tereifot* to a gentile is due to **a** rabbinic **decree lest** the Jew **sell it** to the gentile **in the presence of** another **Jew,**[H] who will think that this particular piece of meat is kosher.

הֵיכִי מַכְרִיזִינַן? אָמַר רַב יִצְחָק בַּר יוֹסֵף: נָפַל בִּישְׁרָא לִבְנֵי חֵילָא.

§ The Gemara noted that there were places where they would announce whenever non-kosher meat was sold to a gentile. The Gemara asks: **How do we announce** that non-kosher meat has been sold? The Gemara answers that **Rav Yitzḥak bar Yosef said: Meat has fallen** into our possession **for the soldiers,** i.e., the gentiles.

וְלֵימָא: נָפַל טְרֵיפְתָּא לִבְנֵי חֵילָא! לָא יָהֲבִי.

The Gemara objects: **But let** them **say: A *tereifa* has fallen** into our possession **for the soldiers.** The Gemara answers that if a butcher would publicize the fact that it is a *tereifa*, the gentiles would **not purchase** it from him because they would not want an animal rejected by the Jews.

וְהָא קָמַטְעֵי לְהוּ! אֵינְהוּ הוּא דְּקָמַטְעוּ נַפְשַׁיְיהוּ.

The Gemara asks: **But** if the announcement is made in a way that obscures from the gentiles the fact that the animal is a *tereifa*, **doesn't** this **deceive them?** The Gemara answers: **It is they who deceive themselves,**[HN] because the seller does not specify which kind of meat he is selling.

כִּי הָא, דְּמָר זוּטְרָא בְּרֵיהּ דְּרַב נַחְמָן הֲוָה קָאָזֵיל מִסִּיכְרָא לְבֵי מְחוֹזָא, וְרָבָא וְרַב סָפְרָא הֲווֹ קָא אָתוּ לְסִיכְרָא, פָּגְעוּ אַהֲדָדֵי. הוּא סְבַר: לְאַפֵּיהּ הוּא דְּקָאָתוּ. אָמַר לְהוּ: לָמָּה לְהוּ לְרַבָּנַן דִּטְרוּחַ וְאָתוּ כּוּלֵּי הַאי? אָמַר לֵיהּ רַב סָפְרָא: אֲנַן לָא הֲוָה יָדְעִינַן דְּקָאָתֵי מָר, אִי הֲוָה יָדְעִינַן – טְפֵי הֲוָה טָרְחִינַן.

The Gemara cites proof that it is permitted to allow others to mislead themselves. It is **like this** incident **when Mar Zutra, son of Rav Naḥman, was going from** the city of **Sikhra**[B] **to** the city of **Bei Meḥoza,**[B] **and** at the same time **Rava and Rav Safra were going to Sikhra. They met each other,** and Mar Zutra **thought they were coming** out to greet **him. He said to them: Why did the Rabbis exert** themselves **and come all this** way to greet me? **Rav Safra said to him: We did not know that the Master was coming; if we would have known we would have exerted** ourselves **more.**

אָמַר לֵיהּ רָבָא: מַאי טַעְמָא אָמְרַתְּ לֵיהּ הָכִי, דְּאַחְלִישְׁתֵּיהּ לְדַעְתֵּיהּ? אָמַר לֵיהּ: וְהָא קָא מַטְעֵינַן לֵיהּ! אֵיהוּ הוּא דְּקָא מַטְעֵי נַפְשֵׁיהּ.

Rava said to Rav Safra: **What is the reason** that **you said this** to Mar Zutra? **By** telling him that we were not coming to greet him you **upset him.** Rav Safra **said to** Rava: **But** if I would not have said so **we** would have **misled him.** Rava responded: Mar Zutra **misled himself,** since we never said we were coming to greet him.

הַהוּא טַבָּחָא דַּאֲמַר לֵיהּ לְחַבְרֵיהּ:

§ The Gemara returns to the topic of selling non-kosher meat to a gentile. There was **a certain** Jewish **butcher who said to another** individual:

BACKGROUND

Sikhra – סִיכְרָא: Sikhra, a commercial city located on the west bank of the Tigris River, north of Meḥoza, was connected to other regions via a series of nearby water canals and took its name from an ancient dam [*sakhar*] near the city. The *amora* Rav Ḥiyya bar Yosef, a student of Rav, served as rabbi of Sikhra.

Bei Meḥoza – בֵּי מָחוֹזָא: Meḥoza, or its less common name Bei Meḥoza, was a city on the Tigris River located near the Malka River. It was a large commercial city with a significant number of Jewish inhabitants, many of whom were converts or immigrants from other countries. Unlike the case of most other Jewish communities, the Jews in Meḥoza generally earned their living from commerce.

The great *amora* Rava was influential in the development of Meḥoza, and established an academy there that taught many students. He also served as the head of the court.



Locations of Sikhra and Meḥoza

HALAKHA

A rabbinic decree lest the Jew sell it in the presence of another Jew – גְּזֵירָה שָׁמָּא יִמְכְּרֶנָּה בִּפְנֵי יִשְׂרָאֵל: One may send a thigh of an animal containing the sciatic nerve to a gentile regardless of whether it is whole or cut, in accordance with the mishna and with the *baraita* on 94a. But if the thigh has been cut into pieces, one may not give it to a gentile in the presence of a Jew and say that it is kosher unless the sciatic nerve has been removed, based on the statement of the Gemara here (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:14; *Shulḥan Arukh*, *Yoreh De'a* 65:11).

It is they who deceive themselves – אֵינְהוּ הוּא דְּקָמַטְעוּ נַפְשַׁיְיהוּ: One is permitted to perform an action that is not for the honor of another without notifying him, even if that person will mistakenly think it is for his honor. For example if one meets another on the road and that person thinks he came especially to greet him, there is no need to disabuse him of this idea (*Shulḥan Arukh*, *Ḥoshen Mishpat* 228:6).

NOTES

It is they who deceive themselves – אֵינְהוּ הוּא דְּקָמַטְעוּ נַפְשַׁיְיהוּ: Some later authorities derive from this incident that even in a case where a person intentionally deceives another, if the one deceived could have reasonably considered the possibility that he was being deceived, but did not bother to consider it, this is not classified as deceiving people. Rather, it is considered an indirect causation of such deception, and as the Gemara states: It is they who deceive themselves, and this action is permitted (*Sma*). Based on this, Rabbi Moshe Feinstein permits butchers to place livers into blood prior to selling them so that they will appear of better quality than they actually are, as the purchasers should be expected to realize that this is the custom of the butchers (*Iggerot Moshe, Yoreh De'a* 1:31). Other authorities disagree and maintain that such practices are permitted only when this is one's only method to prevent a loss to oneself, but not otherwise. They explain that in the incident with Mar Zutra, the butchers announced the sale of an animal that was a *tereifa* in a deceptive way only because there was no other manner of successfully selling the meat, and failure to sell it would have caused them significant loss (*Yosef Da'at*; see *Shulḥan Arukh HaRav*, *Ḥoshen Mishpat* 228:19).

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אִי הֲוָות פָּיְיסַת מִינַּאי, מִי לָא סָפְיֵי לָךְ מִשּׁוֹר שֶׁל פִּטָּם, דַּעֲבַדִי אֶתְמוֹל? אֲמַר לֵיהּ: אָכְלִי מִשּׁוּפְרֵי שׁוּפְרֵי. אֲמַר לֵיהּ: מְנָלָךְ? אֲמַר לֵיהּ: דְּיָבֵן פְּלוֹנִי גּוֹי, וּסְפָא לִי. אֲמַר לֵיהּ: תְּרֵי עָבְדִי, וְהַהוּא טְרֵפָה הֲוָה.

If you would have made peace with me yesterday, **wouldn't I have given you** a cut **from the fattened bull**[B] **that I prepared yesterday?** The other individual **said to him:** Nevertheless **I ate from the finest of the fine** of that bull that you prepared. The butcher **said to him: From where** did **you** get a piece? The other **said to him: So-and-so the gentile bought** it **and fed** it **to me.** The butcher **said to him: I prepared two** bulls yesterday. One was kosher, **but that one** you ate **was a *tereifa*,** which is why I sold it to a gentile.

אֲמַר רַבִּי: בִּשְׁבִיל שׁוֹטֶה זֶה שֶׁעָשָׂה שֶׁלֹּא כַּהוֹגֶן, אָנוּ נֶאֱסוֹר כָּל הַמַּקּוֹלִין?

Rabbi Yehuda HaNasi **said** when he heard of this incident: **Because of this imbecile who acted improperly** and sold non-kosher meat to the gentile butcher without publicizing that he did so, should **we forbid all** of **the** meat from gentile **butcher shops** in the city?

רַבִּי לְטַעְמֵיהּ, דַּאֲמַר: מַקּוֹלִין וְטַבָּחֵי יִשְׂרָאֵל, בָּשָׂר הַנִּמְצָא בְּיַד גּוֹי – מוּתָּר.

The Gemara notes that **Rabbi** Yehuda HaNasi conforms **to his** standard line of **reasoning, as** Rabbi Yehuda HaNasi **said:** If there are **butcher shops** in a city **and Jewish butchers** prepare the meat, any **meat found in the possession of a gentile,** i.e., in a gentile's butcher shop, **is permitted.** There is no concern that the meat is from an animal that was a *tereifa*, because the Jewish butcher would not have sold it to a gentile to sell in his butcher shop.

אִיכָּא דְּאָמְרִי, אָמַר רַבִּי: מִפְּנֵי שׁוֹטֶה זֶה דְּאִיכַּוֵּן לְצַעֲרֵיהּ לְחַבְרֵיהּ, אָנוּ נֶאֱסוֹר כָּל הַמַּקּוֹלִין?

The Gemara presents an alternate version of Rabbi Yehuda HaNasi's reaction to the incident cited above: **There are** those **who say** that **Rabbi** Yehuda HaNasi **said: Because of this imbecile, who intended** only **to cause distress to his fellow,** should **we forbid all** of **the** meat from gentile **butcher shops?** That butcher was presumably lying about the meat having been from a *tereifa*.

טַעְמָא, דְּאִיכַּוֵּן לְצַעֲרֵיהּ לְחַבְרֵיהּ, הָא לָאו הָכִי – אָסוּר. וְהָתַנְיָא רַבִּי אוֹמֵר: מַקּוֹלִין וְטַבָּחֵי יִשְׂרָאֵל, בָּשָׂר הַנִּמְצָא בְּיַד גּוֹי – מוּתָּר! שָׁאנֵי הָכָא – דְּאִיתַּחְזַק אִיסּוּרָא.

The Gemara notes that **the reason** Rabbi Yehuda HaNasi considers the meat to be kosher is **that** the butcher **intended** only **to cause distress to his fellow.** This indicates that if **that were not so,** all the meat in the gentile butcher shops would be **forbidden. But isn't it taught** in a *baraita* that **Rabbi** Yehuda HaNasi **said:** If there are **butcher shops** in a city **and Jewish butchers** prepare the meat, any **meat found in the possession of a gentile is permitted?** The Gemara answers: It is **different here because it has been established** that there is **forbidden** meat being sold in the butcher shops. Since it is known that a Jewish butcher sold non-kosher meat to a gentile proprietor of a butcher shop, one must be concerned that this was not an isolated incident.

אָמַר רַב: בָּשָׂר, בֵּיוָן שֶׁנִּתְעַלַּם מִן הָעַיִן – אָסוּר. מֵיתִיבִי, רַבִּי אוֹמֵר: מַקּוֹלִין וְטַבָּחֵי יִשְׂרָאֵל, בָּשָׂר הַנִּמְצָא בְּיַד גּוֹי – מוּתָּר! נִמְצָא בְּיַד גּוֹי שָׁאנֵי.

§ Apropos meat in the possession of a gentile, the Gemara cites a related discussion. **Rav says: Once meat is obscured from sight** and unsupervised, it is **forbidden,** as one must be concerned that it was exchanged for non-kosher meat. The Gemara **raises an objection** based on a *baraita*: **Rabbi** Yehuda HaNasi **said:** If there are **butcher shops** in a city **and Jewish butchers**[H] prepare the meat, any **meat found in the possession of a gentile is permitted.** The Gemara answers: Meat **found in the possession of a gentile is different,**[N] because the meat was not left unsupervised.

BACKGROUND

Fattened bull – שׁוֹר שֶׁל פִּטָּם: This expression is referring to an animal that has been fattened for its meat. Fattening it increases both the weight at which it is sold and the quality of the meat. Normally such an animal was kept in a pen and not given to a cowherd, who would allow it to eat whatever food it could find in the field.

NOTES

Found in the possession of a gentile is different – נִמְצָא בְּיַד גּוֹי שָׁאנֵי: The reason is that the common practice at that time was to not set aside the meat until it was cooked and eaten. Therefore, there is no concern that the meat is non-kosher, unless it is placed on the ground, like a discarded carcass. As long as a person, even a gentile, is occupied with it, it is not presumed to be a non-kosher carcass (Ba'al HaMaor). The early commentaries also write that the meat is forbidden only in a place where there is a chance that ravens or other animals had brought it. If a piece of meat is found hanging in a way that an animal could not have placed it there, the meat is permitted.

HALAKHA

Butcher shops in a city and Jewish butchers, etc. – מַקּוֹלִין וְטַבָּחֵי יִשְׂרָאֵל וכו': If meat was found lying in the marketplace, its status is determined in accordance with the majority, in accordance with the principle that anything separated from a group is presumed to be from the majority. Therefore, if the majority of the meat sellers in that town are gentiles, the meat is prohibited. If the majority of meat sellers are Jews, it is permitted.

The same *halakha* applies to meat that is found in the possession of a gentile, where it is not known from whom it was purchased. If the majority of meat sellers in that town are Jews, by Torah law the meat is permitted to be eaten. The Sages prohibited any meat that was found, whether in the marketplace or in the possession of a gentile, even if all the butchers are Jews and all the butcher stores in the town sell only kosher meat. This ruling is in accordance with the opinion of Rav (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:11–12; *Shulḥan Arukh*, *Yoreh De'a* 63:1, 110:3).

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HALAKHA

And one sells meat from animal carcasses – וְאַחַת מוֹכֶרֶת בָּשָׂר נְבֵלָה: If nine stores in a city sell kosher meat and one store sells non-kosher meat, and a person bought meat from one of them but does not remember which one, the meat is forbidden. This is in accordance with the principle that anything that is fixed, i.e., remains in its original location, is considered to be an evenly balanced uncertainty. If the meat was found outside the stores, it is permitted, in accordance with the ruling of the *baraita* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:11; *Shulḥan Arukh*, *Yoreh De'a* 110:3).

BACKGROUND

Follow the majority – הֹלֵךְ אַחַר הָרוֹב: This principle applies to many dilemmas with regard to the *halakhot* of prohibited and permitted mixtures. It means that if an item or person whose status is unclear is found separated from a group, one can assume that it has the character of the majority of items in that group. Nevertheless, one may rely on this principle only where the item emerged from its original place, but not when the item remains in the mixture. In that case, the sample is flawed and there is room for concern that the item in question is not really from the majority component. In that case, the principle is: Anything that is fixed, i.e., remains in its original location, is considered an evenly balanced uncertainty, and the item is not attributed to the majority.

It was not stated explicitly, rather it was stated based on an inference – לָאו בְּפֵירוּשׁ אִתְּמַר אֶלָּא מִכְּלָלָא אִתְּמַר: This comment, that a specific *halakha* was not stated explicitly but only inferred, is not uncommon in the Talmud. It is not merely an attempt to ascertain the precise manner in which the statement was transmitted. Rather, the Gemara is calling attention to the fact that one cannot rely on the formulation of a specific statement as it appears, as it was not stated in that form, but was inferred from a statement made in a different context.

תָּא שְׁמַע: תֵּשַׁע חֲנוּיוֹת כּוּלָּן מוֹכְרוֹת בָּשָׂר שְׁחוּטָה, וְאַחַת מוֹכֶרֶת בָּשָׂר נְבֵלָה, וְלָקַח מֵאַחַת מֵהֶן, וְאֵינוֹ יוֹדֵעַ מֵאֵיזֶה מֵהֶן לָקַח – סְפֵקוֹ אָסוּר. וּבַנִּמְצָא – הֹלֵךְ אַחַר הָרוֹב! הָכָא נָמֵי: בְּנִמְצָא בְּיַד גּוֹי.

The Gemara raises another objection to the statement of Rav. **Come** and **hear** the following *baraita*: With regard to **nine stores** in a city, **all of which sell** kosher **meat** from **a slaughtered** animal, **and one** other store that **sells meat** from unslaughtered **animal carcasses,**[H] **and** an individual **purchased** meat **from one of** the stores **and he does not know from which** store **he purchased** the meat, in this case of **uncertainty,** the meat **is forbidden. But in** the case of meat **found** outside, **follow the majority.**[B] Consequently, since most of the stores sell kosher meat, it may be assumed that the meat found outside is kosher, which contradicts Rav's statement that meat that was left unsupervised is forbidden. The Gemara answers: **Here also** the *baraita* is referring to a case where the meat was not unsupervised but rather was **found in the possession of a gentile.**

תָּא שְׁמַע: מָצָא בָּהּ בָּשָׂר (אִם חַי) – הֹלֵךְ אַחַר רוֹב טַבָּחִים, וְאִם מְבוּשָּׁל – הֹלֵךְ אַחַר רוֹב אוֹכְלֵי בָּשָׂר.

The Gemara cites another challenge to the opinion of Rav: **Come** and **hear** the following mishna (*Makhshirin* 2:9): If one **found meat in** a city inhabited by both Jews and gentiles, **if** the meat **is raw, follow the majority of butchers,** so that if the majority of the butchers are Jewish, the meat is presumed to be kosher. **And if** the meat **is cooked, follow the majority of meat eaters,** because even if the majority of the butchers are Jewish, if the meat was cooked by a gentile it is forbidden. This mishna indicates that there are circumstances when the meat is permitted even though it was obscured from sight.

וְכִי תֵּימָא: הָכָא נָמֵי בְּנִמְצָא בְּיַד גּוֹי, מְבוּשָּׁל – הֹלֵךְ אַחַר רוֹב אוֹכְלֵי בָּשָׂר? וְנֶחֱזֵי, אִי דְּגוֹי נָקִיט לֵיהּ, אִי דְּיִשְׂרָאֵל נָקִיט לֵיהּ! הָכָא בְּמַאי עָסְקִינַן: בְּעוֹמֵד וְרוֹאֵהוּ.

And if you would say that **here also** it is referring to a case **where** the meat **is found in the possession of a gentile,** why does the *baraita* state that if the meat is cooked, one should **follow the majority of meat eaters? Let us see** whether **a gentile is holding it or a Jew is holding it.** The Gemara answers: **Here we are dealing with** a case where the meat was on the ground but someone was **standing and watching it** from the time it was dropped on the ground, so that it was never left unsupervised. Yet, the person watching does not know whether it was dropped by a Jew or a gentile, and therefore a determination must be made based upon the majority of the people in the city.

תָּא שְׁמַע: נִמְצָא בַּגְּבוּלִין, אֵבָרִים – נְבֵלוֹת, חֲתִיכוֹת – מוּתָּרוֹת. וְכִי תֵּימָא: הָכָא נָמֵי – בְּעוֹמֵד וְרוֹאֵהוּ, אֵבָרִים – נְבֵלוֹת, אַמַּאי?

The Gemara cites another challenge to the opinion of Rav from a mishna (*Shekalim* 19a). **Come** and **hear:** With regard to meat **found in the outlying areas,** outside of Jerusalem, if it is found as whole **limbs,** the meat presumably comes from **carcasses** of animals that were not properly slaughtered, as carcasses were generally cut up into full limbs and fed to dogs or sold to gentiles. But if it is in small **pieces,** it is presumably kosher and **permitted** to be eaten, as kosher meat was ordinarily cut up into small pieces. This mishna indicates that even though the meat was obscured from sight, it remains permitted. **And if you would say** that **here also** it is referring to a case **where** someone was **standing and watching it, why** is it assumed to be from **a carcass** if it is cut into whole **limbs?**

מִידֵּי הוּא טַעֲמָא אֶלָּא לְרַב, הָא אִיתְּמַר עֲלָהּ, רַב אָמַר: מוּתָּרוֹת מִשּׁוּם נְבֵלָה, וְלֵוִי אָמַר: מוּתָּרוֹת בַּאֲכִילָה.

The Gemara answers: **This** mishna requires **explanation only according to Rav,** but **wasn't it stated with regard to that** mishna: **Rav says** that the correct version of the mishna is that the small pieces of meat are **permitted,** in that they are not considered impure and that one who eats them is not liable to be flogged, as would be the case if it were meat from a **carcass.** But it is not actually permitted to eat the meat, due to the fact that it was obscured from sight. **And Levi says:** The mishna means to say that the small pieces of meat are even **permitted to be eaten.**

וְהָא דְּרַב, לָאו בְּפֵירוּשׁ אִתְּמַר אֶלָּא מִכְּלָלָא אִתְּמַר. דְּרַב הֲוָה יָתֵיב אַמַּבְּרָא דְּאִישְׁתִּטִית, חֲזָא לְהַהוּא גַּבְרָא דַּהֲוָה קָא

The Gemara comments: **And this** statement **of Rav,** that meat that was obscured from sight is forbidden, **was not stated explicitly** by Rav. **Rather, it was stated** that he held this opinion **based on an inference**[B] from a different statement of Rav. **As, Rav was** once **sitting on the ford of** the **Ishtetit River. He saw a certain man who was**

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מְחַוֵּור רֵישָׁא. נְפַל מִינֵּיהּ, אֲזַל אַיְיתֵי סִילְתָּא, שְׁדָא – אַסֵּיק תְּרֵין. אֲמַר רַב: עָבְדִי נַמִי הָכִי?! אָסְרִינְהוּ נִיהַלֵּיהּ.

cleaning the **head** of an animal in the river. The head **fell from him. He went and brought a basket,**[B] **cast** the basket into the river, and **pulled out two** animal heads. **Rav said** to him: Does it commonly **happen this** way that one loses one item and finds two? Just as one of the animal heads is not the one you dropped, it is possible that neither of them is the one you dropped. Therefore, Rav rendered both of **them forbidden to him.**

אָמְרִי לֵיהּ רַב כָּהֲנָא וְרַב אַסִי לְרַב: דְּאִיסּוּרָא שְׁכִיחִי, דְּהֶתֵּירָא לָא שְׁכִיחִי? אֲמַר לְהוּ: דְּאִיסּוּרָא שְׁכִיחִי טְפֵי.

Rav Kahana and Rav Asi said to Rav: Is **forbidden** meat **common** but **permitted** meat **not common?** Most of the meat in this general location is kosher, so why did you forbid the two animal heads? **He said to them: Forbidden** meat **is more common.** From this incident the Sages derived that according to Rav, meat that has been obscured from sight becomes forbidden due to the possibility that the meat one finds now was actually deposited by ravens, who transported it from a location where the majority of the meat is forbidden.

וְכִי מִכְּלָלָא מַאי? פַּרְוָותָא דְּגוֹיִם הֲוַאי. תֵּדַע, דְּקָאָמַר לְהוּ: דְּאִיסּוּרָא שְׁכִיחִי טְפֵי.

The Gemara asks: **And what** does it matter **if** this opinion of Rav is known **by inference** based on this incident, rather than by an explicit statement made by Rav? The Gemara answers: There is room to say that this incident cannot serve as a precedent for a general policy, because that location **was a port of gentiles,** where most of the meat was non-kosher. **Know** that this is the case, **as** Rav **said to** Rav Kahana and Rav Asi: **Forbidden** meat **is more common.** Consequently, it is possible that Rav would not have prohibited the meat in a location where the majority of the meat is kosher.

אֶלָּא רַב הֵיכִי אֲכַל בְּשָׂרָא? בְּשַׁעְתֵּיהּ, דְּלָא עַלִּים עֵינֵיהּ מִינֵּיהּ. אִיבָּעֵית אֵימָא: בְּצָיְירָא וַחֲתוּמָא. וְאִי נַמִי: בְּסִימָנָא. כִּי הָא דְּרַבָּה בַּר רַב הוּנָא מְחַתֵּךְ לֵיהּ אַתְּלַת קַרְנָתָא.

The Gemara asks: **But how did Rav** ever **eat meat** if he holds that meat becomes forbidden if it is unsupervised for even a short time? The Gemara answers: Rav ate meat only **in its time,** i.e., shortly after it was slaughtered, **when it had not been obscured from his sight** from the time of the slaughter until he ate it. Alternatively, **if you wish, say** that Rav ate meat that was **tied and sealed** in a way that proved it had not been swapped for non-kosher meat. **Or alternatively,** he ate meat that could be recognized **by a distinguishing mark,**[H] **like that** practice of **Rabba bar Rav Huna,** who would **cut** meat into pieces **with three corners,** i.e., triangles, before he would send it to his family members.

רַב הֲוָה קָאָזֵיל לְבֵי רַב חָנָן חַתְנֵיהּ, חֲזִי מַבְרָא דְּקָאָתֵי לְאַפֵּיהּ, אֲמַר: מַבְרָא קָאָתֵי לְאַפַּי, יוֹמָא טָבָא לְגוֹ.

The Gemara relates that **Rav was going to the home of Rav Ḥanan, his son-in-law. He saw** that **the ferry was coming toward him** just when he arrived at the riverbank. **He said: The ferry is coming toward me** even though I did not arrange for it to come now; this is a sign that **a good day,** i.e., a festive meal, awaits me **in** the place where I am going.

אֲזַל קָם אַבָּבָא, אוֹדִיק בְּבוּעָא דְּדַשָׁא, חֲזִי חִיוָּתָא דְּתַלְיָא. טָרַף אַבָּבָא, נְפוֹק אָתוּ כּוּלֵּי עָלְמָא לְאַפֵּיהּ, אֲתָא טַבָּחֵי נַמִי, לָא עַלִּים רַב עֵינֵיהּ מִינֵּיהּ. אֲמַר לְהוּ: אֵיכוּ הָשְׁתָּא, סְפִיתוּ לְהוּ אִיסּוּרָא לִבְנֵי בְּרָתִי! לָא אֲכַל רַב מֵהַהוּא בִּישְׂרָא.

After crossing the river on the ferry, Rav **went and stood at the gate** of Rav Ḥanan's home. **He looked** through **a crack in the door** and **saw an animal that was hanging** and ready to be cooked. **He knocked on the gate,** and **everyone went out to** greet **him,** and **the butchers also came** out to greet him. **Rav did not remove his eyes from** the meat that the butchers were preparing. **He said to them: If** you had eaten the meat based upon the supervision you provided **now,** you would have **fed forbidden** meat **to the sons of** my **daughter** because no one apart from me was watching the meat when you all came out to greet me. And despite the fact that he had kept the meat in his sight **Rav did not eat from that meat.**

מַאי טַעְמָא? אִי מִשּׁוּם אִיעַלּוּמֵי – הָא לָא אִיעֲלִים. אֶלָּא דְּנָחֵישׁ.

The Gemara asks: **What is the reason** that Rav did not eat the meat? **If** one suggests that he was concerned **because** it had been **obscured** from sight, that cannot be the reason, as Rav kept watching it so that it **was not obscured** from sight. **Rather,** Rav did not eat **because he divined,** i.e., he saw the arrival of the ferry as a good omen. This is prohibited, and therefore Rav penalized himself and abstained from the meat.

BACKGROUND

Basket – סִילְתָּא: This is referring to a basket made of woven palm or willow leaves that was usually used for transporting or storing food. Such baskets were primarily used for transporting or storing bread, but they were used for fruit and other food as well. Some say that the term means a thorn (Meiri) or a piece of wood (Rabbeinu Gershom Meor HaGola), which can be used to draw out items that have sunk in the water.



Mosaic from late antiquity depicting a basket used in the grape harvest

HALAKHA

Tied and sealed…a distinguishing mark – בְּצָיְירָא וַחֲתוּמָא…בְּסִימָנָא: If one purchases meat and brings it home and it was then obscured from sight, it is permitted only if there is a distinguishing mark, visual identification, or if it was bound and sealed. This ruling is in accordance with the opinion of Rav and the Gemara's explanation here (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:12; *Shulḥan Arukh*, *Yoreh De'a* 63:1).

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וְהָאָמַר רַב: כָּל נַחַשׁ שֶׁאֵינוֹ כְּאֱלִיעֶזֶר עֶבֶד אַבְרָהָם וּכְיוֹנָתָן בֶּן שָׁאוּל אֵינוֹ נַחַשׁ! אֶלָּא סְעוּדַת הָרְשׁוּת הֲוַאי, וְרַב לָא מִתְהֲנֵי מִסְּעוּדַת הָרְשׁוּת.

The Gemara asks: **But doesn't Rav say** that **any divination that is not like** the divination of **Eliezer, the servant of Abraham,** when he went to seek a bride for Isaac (see Genesis 24:14), **or like** the divination of **Jonathan, son of Saul,**[N] who sought an omen as to whether he and his arms bearer would defeat the Philistines (see 1 Samuel 14:8–12), **is not divination?**[H] Since Rav did not rely on the omen in his decision making, he did not violate the prohibition against divination, and there was no reason for him to penalize himself. The Gemara answers: **Rather,** the reason Rav did not eat the meat is that **it was an optional feast,** rather than a feast associated with a mitzva, **and Rav would not derive pleasure from an optional feast.**[H]

רַב בָּדֵיק בִּמַבְרָא, וּשְׁמוּאֵל בָּדֵיק בְּסַפְרָא, רַבִּי יוֹחָנָן בָּדֵיק בִּינוֹקָא.

Having mentioned Rav's reaction to the ferry in the incident cited above, the Gemara states that **Rav would check** whether to travel based upon **the ferry;** if it came quickly he would take the ferry, but otherwise he would not. **And Shmuel would check** what would happen to him **by** opening **a scroll** and reading from wherever it was open to. **Rabbi Yoḥanan would check** what was in store for him **by** asking **a child**[H] to recite the verse he was learning.

כּוּלְּהוּ שְׁנֵי דְּרַב, הֲוָה כָּתַב לֵיהּ רַבִּי יוֹחָנָן: "לְקַדָּם רַבֵּינוּ שֶׁבְּבָבֶל". כִּי נָח נַפְשֵׁיהּ, הֲוָה כָּתַב לִשְׁמוּאֵל: "לְקַדָּם חֲבֵירֵינוּ שֶׁבְּבָבֶל". אֲמַר: לָא יָדַע לִי מִידֵּי דְּרַבֵּיהּ אֲנָא?! כָּתַב שְׁדַר לֵיהּ עִיבּוּרָא דְּשִׁיתִּין שְׁנֵי. אֲמַר: הָשְׁתָּא, חוּשְׁבָנָא בְּעָלְמָא יָדַע.

The Gemara relates an incident when Rabbi Yoḥanan checked his luck based on a child's verse. During **all the years** when **Rav** lived in Babylonia, **Rabbi Yoḥanan,** who lived in Eretz Yisrael, would **write to him** and begin with the greeting: **To our Master who is in Babylonia. When** Rav **died,** Rabbi Yoḥanan **would write to Shmuel** and begin with the greeting: **To our colleague who is in Babylonia.** Shmuel **said: Does** Rabbi Yoḥanan **not know** any **matter in which I am his master?** Shmuel **wrote** and **sent to** Rabbi Yoḥanan the calculation of the **leap** years **for** the next **sixty years.** Rabbi Yoḥanan was not impressed by this and **said: Now he** has **merely** demonstrated that **he knows mathematics,** which does not make him my master.

כָּתַב שְׁדַר לֵיהּ תְּלִיסַר גַּמְלֵי סְפֵקֵי טְרֵיפְתָּא. אֲמַר: אִית לִי רַב בְּבָבֶל, אֵיזִיל אֵיחַזֵּייהּ. אֲמַר לֵיהּ לְינוּקָא: פְּסוֹק לִי פְּסוּקֵיךְ! אֲמַר לֵיהּ: "וּשְׁמוּאֵל מֵת". אֲמַר: שְׁמַע מִינָּהּ, נָח נַפְשֵׁיהּ דִּשְׁמוּאֵל.

Shmuel then **wrote** and **sent to** Rabbi Yoḥanan explications of **uncertainties** pertaining to ***tereifot*** that had to be transported on **thirteen camels.** Rabbi Yoḥanan was impressed by this and **said: I have a Master in Babylonia; I will go and see him.** Before departing on his journey, Rabbi Yoḥanan **said to a child: Recite to me your verse** that you studied today. The child **recited** the following verse **to** Rabbi Yoḥanan: **"Now Samuel was dead"** (1 Samuel 28:3). Rabbi Yoḥanan **said** to himself: **Learn from this** that **Shmuel has died.** Therefore, Rabbi Yoḥanan did not go to see Shmuel.

וְלָא הֵיא, לָא שְׁכִיב שְׁמוּאֵל, אֶלָּא כִּי הֵיכִי דְּלָא לִיטְרַח רַבִּי יוֹחָנָן.

The Gemara comments: **But it was not so; Shmuel had not died. Rather,** the reason Rabbi Yoḥanan was given this sign was **so that Rabbi Yoḥanan would not trouble himself** to embark on the long and arduous journey from Eretz Yisrael to Babylonia.

תַּנְיָא, רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: בַּיִת תִּינוֹק וְאִשָּׁה – אַף עַל פִּי שֶׁאֵין נַחַשׁ, יֵשׁ סִימָן.

It is taught in a *baraita*: **Rabbi Shimon ben Elazar says:** With regard to one who is successful with his first business transaction after he has built **a home,** after the birth of **a child, or** after he marries **a woman,**[H] **even though** he may **not** use this as a means of **divination** to decide upon future courses of action, **it is** an auspicious **sign** that he will continue to be successful. Conversely, if his first transaction is not successful he may take that as an inauspicious sign.

HALAKHA

Any divination that is not like Eliezer the servant of Abraham…is not divination – כָּל נַחַשׁ שֶׁאֵינוֹ כְּאֱלִיעֶזֶר עֶבֶד אַבְרָהָם…אֵינוֹ נַחַשׁ: Some say that it is permitted for one to make a sign for himself, basing his actions upon whether or not a future event occurs, similar to Abraham's servant Eliezer, or Jonathan (*Tur*; Radak). Others hold that it is prohibited (Rambam; *Smag*). One who walks with complete trust in God will be surrounded with kindness (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 11:4; *Shulḥan Arukh*, *Yoreh De'a* 179:4 in the comment of Rema).

Would not derive pleasure from an optional feast – לָא מִתְהֲנֵי מִסְּעוּדַת הָרְשׁוּת: A Torah scholar should eat at a large, festive meal only if it is part of the celebration associated with a mitzva, e.g., a meal of an engagement, or the wedding of a Torah scholar to the daughter of a Torah scholar. This is in accordance with Rav's custom (Rambam *Sefer HaMadda*, *Hilkhot Deot* 5:2).

Check by asking a child – בָּדֵיק בִּינוֹקָא: It is permitted for one to ask a child: What verse are you learning? If the child recites a verse of blessing one may view it as a good sign. This is permitted since he does not base his actions upon the child's answer but sees it only as a sign for what has already happened. This is in accordance with the custom of Rabbi Yoḥanan (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 11:5; *Shulḥan Arukh*, *Yoreh De'a* 179:4).

After a home, a child, or a woman, etc. – בַּיִת תִּינוֹק וְאִשָּׁה וכו': It is prohibited to rely on omens or propitious events. It is permitted to view successful activities following building a house or having a child or marrying a wife as a sign. For example, if the first business deal one conducts after building a new home is successful, he may attribute his success to having built the house. This is in accordance with the opinion of Rabbi Shimon ben Elazar (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 11:5; *Shulḥan Arukh*, *Yoreh De'a* 179:4).

NOTES

Any divination that is not like Eliezer the servant of Abraham or like Jonathan the son of Saul – כָּל נַחַשׁ שֶׁאֵינוֹ כְּאֱלִיעֶזֶר עֶבֶד אַבְרָהָם וּכְיוֹנָתָן בֶּן שָׁאוּל: The early commentaries ask how it was permitted for Eliezer or Jonathan themselves to make use of prohibited divination. Some answer that Eliezer did not rely on the divination completely, and he gave Rebekah the gifts only after he first verified that she was from a suitable family (*Tosafot*). Other commentaries explain that a test is not considered prohibited divination if it is one that makes sense. Eliezer used a sign that would indicate a woman of suitable character to be a wife for Isaac (Ran).

The commentaries also explain that Jonathan did not rely on divination, but proposed his test only to encourage the youth who was with him. Jonathan himself was prepared to fight without any sign (*Tosafot*). Others write that divination is prohibited only if it leads one to act in a way that is irrational. Jonathan's divination was not prohibited, because in times of war it is possible that two or three warriors can defeat a much larger number of panicked enemy soldiers, and through his test he would know if the Philistines were panicked (Ran).

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אָמַר רַבִּי אֶלְעָזָר: וְהוּא דְּאִיתַּחְזַק תְּלָתָא זִימְנֵי, דִּכְתִיב: ״יוֹסֵף אֵינֶנּוּ וְשִׁמְעוֹן אֵינֶנּוּ וְאֶת בִּנְיָמִן תִּקָּחוּ״.

Rabbi Elazar said: But this is provided **that** the sign **has been established** by repeating itself **three times.** This is based on a verse, **as it is written:** "And Jacob their father said to them: Me you have bereaved of my children: **Joseph is not, and Simeon is not, and you will take Benjamin away;** upon me are all these things come" (Genesis 42:36). If calamity were to befall Benjamin, that would establish a pattern of three tragedies.

בָּעָא מִינֵּיהּ רַב הוּנָא מֵרַב: בַּחֲרוּזִין מַהוּ? אֲמַר לֵיהּ: אַל תְּהִי שׁוֹטֶה! בַּחֲרוּזִין הֲרֵי זֶה סִימָן. אִיכָּא דְּאָמְרִי, אָמַר רַב הוּנָא אָמַר רַב: בַּחֲרוּזִין הֲרֵי זֶה סִימָן.

§ The Gemara returns to discuss distinguishing marks that prevent meat from being prohibited despite its having been obscured from sight. **Rav Huna inquired of Rav:**[P] If pieces of meat were **strung** together and then were obscured from sight, **what is** the *halakha*? Rav **said to him: Do not be an imbecile;** of course if the meat is **strung** together **it is** considered to be **a distinguishing mark,** and the meat is permitted. **There are** those **who say** this *halakha* as follows: **Rav Huna said** that **Rav said:** If pieces of meat are **strung** together **it is a distinguishing mark,** and the meat remains permitted even if it is obscured from sight.

רַב נָחְמָן מִנְּהַרְדְּעָא אִיקְלַע לְגַבֵּי רַב כָּהֲנָא לְפוּם נַהֲרָא בְּמַעֲלֵי יוֹמָא דְּכִפּוּרֵי, אָתוּ עוֹרְבֵי שְׁדוּ כַּבְדֵי וְכוּלְיָתָא. אֲמַר לֵיהּ: שְׁקוֹל וֶאֱכוֹל, הָאִידָּנָא דְּהֵיתֵּרָא שְׁכִיחַ טְפֵי.

The Gemara relates that **Rav Naḥman of Neharde'a**[P] **arrived at** the home of **Rav Kahana in Pum Nahara**[B] **on the eve of Yom Kippur,** which is a day when people commonly eat meat. **Ravens came** and **dropped livers and kidneys.** Rav Kahana **said to** Rav Naḥman: **Take** these livers and kidneys **and eat**[N] them, as they are not forbidden, even though they were obscured from sight. This is because **at this time permitted** meat is **more common** than forbidden meat, since Jews slaughter many animals on this day.

רַב חִיָּיא בַּר אָבִין אִיתְּבַד לֵיהּ כַּרְכְּשָׁא בֵּי דִּינָא, אֲתָא לְקַמֵּיהּ דְּרַב הוּנָא, אֲמַר לֵיהּ: אִית לָךְ סִימָנָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: לָא. אִית לָךְ טְבִיעוּת עֵינָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: אֵין. אִם כֵּן, זִיל שְׁקוֹל.

Rav Ḥiyya bar Avin lost a cut of meat from an animal **intestine**[B] **among** the **barrels**[N] of wine in his wine cellar. When he found it, **he came before Rav Huna** to ask whether the meat was now prohibited because it had been obscured from sight. Rav Huna **said to him: Do you have a distinguishing mark on it** so that you can identify it? Rav Ḥiyya bar Avin **said to him: No.** Rav Huna asked him: **Do you have visual recognition of it?** Rav Ḥiyya bar Avin **said to him: Yes.** Rav Huna said: **If so, go and take** it and eat it.

רַב חֲנִינָא חוֹזָאָה אִיתְּבַד לֵיהּ גַּבָּא דְּבִשָּׂרָא, אֲתָא לְקַמֵּיהּ דְּרַב נַחְמָן, אֲמַר לֵיהּ: אִית לָךְ סִימָנָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: לָא. אִית לָךְ טְבִיעוּת עֵינָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: אֵין. אִם כֵּן, זִיל שְׁקוֹל.

Rav Ḥanina Ḥoza'a lost a side of meat. When he found it, **he came before Rav Naḥman** and asked him whether the meat was now prohibited because it had been obscured from sight. Rav Naḥman **said to him: Do you have a distinguishing mark on it** so that you can identify it? Rav Ḥanina Ḥoza'a **said to him: No.** Rav Naḥman asked him: **Do you have visual recognition of it?** Rav Ḥanina Ḥoza'a **said to him: Yes.** Rav Naḥman said: **If so, go and take** it and eat it.

NOTES

Rav Kahana said to him, take and eat, etc. – אֲמַר לֵיהּ שְׁקוֹל וֶאֱכוֹל וכו׳: The early commentaries disagree as to the opinion of Rav Kahana. Some write that Rav Kahana disagrees with Rav and holds that meat that was obscured from sight is not prohibited in a place where most of the butchers are Jewish, in accordance with the opinion of Levi (Rashi). Based on this they rule that the *halakha* is not in accordance with the opinion of Rav. They explain that Rav Huna, Rav Naḥman, and Rav Ḥisda, who did not permit the meat without some sign or distinguishing mark or visual recognition, all hold like Rav, and they may have all been his students. Alternatively, they were being stringent in their own practice (Ba'al HaMaor).

Others explain that even if Rav Kahana holds in accordance with the opinion of Levi, Levi himself may hold that meat obscured from sight is permitted only if the meat is in the same place where it was left and the majority of meat in that area is kosher meat. In the cases ruled by the aforementioned Sages, the meat was not where it had been left, and even Levi would concede that the meat is forbidden without some distinguishing mark (*Sefer HaTerumot*; Rashba; Rosh, citing Rashbam). This opinion is cited in the *Shulḥan Arukh* (*Yoreh De'a* 63:2) with the preface: There are those who are lenient. The Rema writes that this is the custom.

Other commentaries explain that Rav Kahana agrees with Rav, but Rav limits the prohibition on meat obscured from sight to a case where the area from which ravens might bring meat is one where the majority of meat is not kosher. But in the case of Rav Kahana and Rav Naḥman, the majority of slaughtered meat in the area from which the ravens could bring it was kosher (*Tosafot*; Rif; Rambam; *Shulḥan Arukh*).

Among the barrels – בֵּי דִּינָא: The text of the Vilna Talmud includes the words *bei dina*, which means rabbinical court. By contrast, the version of the text recorded by the Rif and the Rosh reads *beinei danei*, among the barrels, which would read more easily in context.

PERSONALITIES

Rav – רַב: Rav was the first, and perhaps the greatest, of the Babylonian *amora'im*, and the academy he established in Sura lasted for over eight hundred years, through the period of the *ge'onim*. His full name was Rabbi Abba bar Aivu, but he was also known as Abba Arikha due to his great height, as *arikha* means long. The Gemara reports that aside from the visiting students who attended the academy only during the *kalla* months of Adar and Elul, 1,200 full-time students learned in the academy throughout the year. In his youth, Rav traveled to Eretz Yisrael with his uncle, Rabbi Ḥiyya, where he studied under Rabbi Yehuda HaNasi, the redactor of the Mishna. He traveled back and forth between Eretz Yisrael and Babylonia until he settled in Babylonia in the year 219 CE. Rav's prominence is apparent not only in the large number of *amora'im* who were his students and who quote him throughout the Gemara, but also by the fact that despite his status as an *amora* he is simultaneously recognized as the last of the *tanna'im*, and he is permitted to disagree with tannaitic rulings.

Rav Naḥman of Neharde'a – רַב נַחְמָן מִנְּהַרְדְּעָא: A fourth-generation Babylonian *amora*, Rav Naḥman of Neharde'a, or, in a different version of the text, Rav Ḥanan, was a close student of Rav Kahana, and would discuss matters with him. He was a different Sage than Rav Naḥman bar Ya'akov or Rav Naḥman bar Yitzḥak, both of whom were better known.

BACKGROUND

Pum Nahara – פּוּם נַהֲרָא: The city of Pum Nahara was located on the bank of a canal that led to the Tigris River. The city was known as an important center for both Torah study and agriculture, primarily with regard to its vineyards, which were planted all the way to the bank of the canal. Rav Kahana, a renowned Sage of the city, became the head of the court and retained a strong connection with the academy in Neharde'a.



Location of Pum Nahara

Intestine – כַּרְכְּשָׁא: This is a reference to the rectum, the lower section of the large intestine, through which excrement passes before it leaves the body.

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רַב נָתָן בַּר אַבָּיֵי אִיתְּבַד לֵיהּ קִיבּוֹרָא דִּתְכֶלְתָּא, אֲתָא לְקַמֵּיהּ דְּרַב חִסְדָּא, אֲמַר לֵיהּ: אִית לָךְ סִימָנָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: לָא. אִית לָךְ טְבִיעוּת עֵינָא בְּגַוֵּיהּ? אֲמַר לֵיהּ: אִין. אִם כֵּן, זִיל שְׁקוֹל.

Rav Natan bar Abaye lost a skein of sky-blue wool prepared for use in ritual fringes. He searched for it and found it. **He came before Rav Ḥisda** to ask whether the wool was now prohibited because it had been obscured from sight and may have become confused with other blue wool that is not valid for ritual fringes. Rav Ḥisda **said to him: Do you have a distinguishing mark in it** so that you can identify it? Rav Natan bar Abaye **said to him: No.** Rav Ḥisda asked him: **Do you have visual recognition of it?** Rav Natan bar Abaye **said to him: Yes.** Rav Ḥisda said: **If so, go and take** it, and you may use it for ritual fringes.

אֲמַר רָבָא: מֵרִישָׁא הֲוָה אָמִינָא, סִימָנָא עָדִיף מִטְּבִיעוּת עֵינָא, דְּהָא מְהַדְּרִינַן אֲבִידְתָּא בְּסִימָנָא,

Rava said: At first I would say that **a distinguishing mark is preferable to visual recognition, because we return a lost item** to its owner based **on a distinguishing mark,**

Perek **VII**
Daf **96** Amud **a**

HALAKHA

One who removes the sciatic nerve – הַנּוֹטֵל גִּיד הַנָּשֶׁה: One who removes the sciatic nerve must scrape away the surrounding flesh until he is certain that no part of the nerve remains. This is in accordance with the opinion of the first *tanna* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:7; *Shulḥan Arukh*, *Yoreh De'a* 65:8).

וְלָא מְהַדְּרִינַן בְּטִבְיעוּת עֵינָא. הָשְׁתָּא דִּשְׁמַעְתִּינְהוּ לְהָנֵי שְׁמַעְתָּתָא, אָמִינָא: טְבִיעוּת עֵינָא עֲדִיפָא.

but we do not return a lost item to one who claims to be its owner based solely **on visual recognition.** But **now that I have heard these statements** pertaining to meat or sky-blue wool that were obscured from sight and then permitted based upon visual recognition, **I say** that **visual recognition is preferable** to a distinguishing mark.

דְּאִי לָא תֵּימָא הָכִי, הֵיאָךְ סוּמָא מוּתָּר בְּאִשְׁתּוֹ? וּבְנֵי אָדָם אֵיךְ מוּתָּרִין בְּנְשׁוֹתֵיהֶן בַּלַּיְלָה? אֶלָּא בְּטִבְיעוּת עֵינָא דְּקָלָא, הָכָא נַמִי בְּטִבְיעוּת עֵינָא.

Furthermore, one must hold that sensory recognition is reliable even without identifying marks, **for if you do not say so, how is a blind** man **permitted to** engage in sexual intercourse with **his wife** despite the fact that he cannot identify her by means of her identifying marks? **And** similarly, **how are** any **men permitted to** engage in intercourse with **their wives at night,** when it is dark and they cannot see their wives' identifying marks? **Rather,** one must say that they identify their wives **based on voice recognition. Here too,** in these cases of lost meat and sky-blue wool, they remain permitted **based on visual recognition.**

אֲמַר רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשִׁיָא: תֵּדַע, דְּאִילּוּ אָתוּ בֵּי תְּרֵי, וְאָמְרִי: פְּלָנְיָא, דְּהַאי סִימָנֵיהּ וְהַאי סִימָנֵיהּ, קְטַל נַפְשָׁא – לָא קָטְלִינַן לֵיהּ. וְאִילּוּ אָמְרִי: אִית לָן טְבִיעוּת עֵינָא בְּגַוֵּיהּ – קָטְלִינַן לֵיהּ.

Rav Yitzḥak, son of Rav Mesharshiyya, said: You can **know** that visual recognition is preferable to a distinguishing mark, **because if two** witnesses **come** to court **and say: So-and-so, who has this distinguishing mark and that distinguishing mark, killed a person, we** would **not kill him** based on this testimony. **But if** the two witnesses **say: We have visual recognition of him,** and they confirm that the accused individual committed murder, **we kill him** based on their testimony.

אֲמַר רַב אַשִׁי: תֵּדַע, דְּאִילּוּ אֲמַר לֵיהּ אִינִישׁ לְשָׁלּוּחֵיהּ: קָרֵייהּ לְפְלָנְיָא, דְּהַאי סִימָנֵיהּ וְהַאי סִימָנֵיהּ – סָפֵק יָדַע לֵיהּ סָפֵק לָא יָדַע לֵיהּ. וְאִילּוּ אִית לֵיהּ טְבִיעוּת עֵינָא בְּגַוֵּיהּ – כִּי חָזֵי לֵיהּ, יָדַע לֵיהּ.

Rav Ashi said: You can **know** that visual recognition is preferable to a distinguishing mark, **because if a man says to his agent: Call so-and-so, who** has **this distinguishing mark and that distinguishing mark, it is uncertain** whether the agent will recognize him and **know** whom to call or whether he will **not know him. But if he has visual recognition of** him, **when he sees him he will know** it is **him.**

מתני׳ הַנּוֹטֵל גִּיד הַנָּשֶׁה, צָרִיךְ שֶׁיְּטוֹל אֶת כּוּלּוֹ. רַבִּי יְהוּדָה אוֹמֵר: כְּדֵי לְקַיֵּים בּוֹ מִצְוַת נְטִילָה.

MISHNA **One who removes the sciatic nerve**[H] **must** scrape away the flesh in the area surrounding the nerve to ensure **that he will remove all of it. Rabbi Yehuda says:** Scraping is not required; it is sufficient to excise it from the area above the rounded protrusion **in order to** thereby **fulfill the mitzva of removal** of the sciatic nerve.

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הָאוֹכֵל מִגִּיד הַנָּשֶׁה כַּזַּיִת – סוֹפֵג אַרְבָּעִים, אֲכָלוֹ וְאֵין בּוֹ כַּזַּיִת – חַיָּיב. אָכַל מִזֶּה כַּזַּיִת וּמִזֶּה כַּזַּיִת – סוֹפֵג שְׁמוֹנִים. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ סוֹפֵג אֶלָּא אַרְבָּעִים.

One who eats an olive-bulk of the sciatic nerve[H] **incurs forty** lashes. If **one eats** an entire sciatic nerve **and it does not** constitute **an olive-bulk,** he is nevertheless **liable** to receive lashes, because a complete sciatic nerve is a complete entity. If **one ate an olive-bulk from this** sciatic nerve in the right leg, **and an olive-bulk from that**[H] sciatic nerve in the left leg, **he incurs** [*sofeg*][L] **eighty** lashes. **Rabbi Yehuda says: He incurs only forty** lashes, for eating the olive-bulk from the right leg, and he is exempt for eating the olive-bulk from the left leg.

גמ׳ בַּר פְּיוֹלִי הֲוָה קָאֵי קַמֵּיהּ דִּשְׁמוּאֵל וְקָא מְנַקַּר אַטְמָא, הֲוָה קָא גָּאֵים לֵיהּ. אֲמַר לֵיהּ: חוּת בֵּיהּ טְפֵי! הָשְׁתָּא לָא חֲזִיתָךְ, סְפִיתָא לִי אִיסּוּרָא!

GEMARA A man known as **bar Peyoli was standing before Shmuel and was removing** the sciatic nerve from the **leg** of an animal. **He was cutting** out the nerve without scraping away the surrounding flesh, in accordance with the opinion of Rabbi Yehuda. Shmuel **said to him: Go down further** and scrape away the flesh in order to remove the entire nerve. **Now,** if I would **not have seen you** and instructed you in the process of removing the sciatic nerve, **you would have fed me forbidden** meat.

אִירְתַּת, נְפַל סַכִּינָא מִידֵיהּ. אֲמַר לֵיהּ: לָא תִּירְתַּת, דְּאוֹרֵי לָךְ – כְּרַבִּי יְהוּדָה אוֹרֵי לָךְ.

Bar Peyoli became **afraid** due to Shmuel's rebuke and **the knife fell from his hand.** Shmuel **said to him: Do not be afraid.** I do not think that you are an ignoramus or a wicked person. You are removing the sciatic nerve as you were taught; the person **who taught you** must hold **in accordance with** the opinion of **Rabbi Yehuda,** and this is how **he taught you** to remove the sciatic nerve. But I hold that the entire sciatic nerve must be removed, in accordance with the opinion of the first *tanna*.

אֲמַר רַב שֵׁשֶׁת: מַאי דְּשָׁקַל בַּר פְּיוֹלִי – דְּאוֹרַיְיתָא לְרַבִּי יְהוּדָה. מִכְּלָל דְּשַׁיֵּיר דְּרָבָנַן לְרַבִּי יְהוּדָה, אֶלָּא דְּאוֹרֵי לֵיהּ – כְּמַאן אוֹרֵי לֵיהּ?

Rav Sheshet said in explanation of this incident: **That which bar Peyoli removed was** the section of the sciatic nerve one is required to remove **by Torah law according to** the opinion of **Rabbi Yehuda.** The Gemara asks: Based upon this statement, one can derive **by inference that he left** behind the section of the sciatic nerve one is required to remove **by rabbinic law according to** the opinion of **Rabbi Yehuda. But** if so, **in accordance with whose** opinion did the person **who taught him** how to remove the sciatic nerve **teach him?** Even according to Rabbi Yehuda he would have transgressed a rabbinic prohibition.

אֶלָּא אֲמַר רַב שֵׁשֶׁת: מַאי דְּשָׁקַל בַּר פְּיוֹלִי – דְּאוֹרַיְיתָא, וּמַאי דְּשַׁיֵּיר – דְּרָבָנַן לְרַבִּי מֵאִיר. דְּאִי רַבִּי יְהוּדָה – אֲפִילּוּ מִדְּרַבָּנַן שָׁרֵי.

Rather, Rav Sheshet said: That which bar Peyoli removed was the section of the sciatic nerve that is forbidden **by Torah law. And that which he left** over is forbidden **by rabbinic law according to** the opinion of **Rabbi Meir,** as explained above (92b) in a *baraita*; **as if** one were to follow the opinion of **Rabbi Yehuda,** the section that bar Peyoli left over **is permitted even by rabbinic law.**

״הָאוֹכֵל מִגִּיד הַנָּשֶׁה״ [וכו׳]. אָמַר שְׁמוּאֵל: לֹא אָסְרָה תּוֹרָה אֶלָּא שֶׁעַל הַכַּף בִּלְבַד, שֶׁנֶּאֱמַר: ״עַל כַּף הַיָּרֵךְ״.

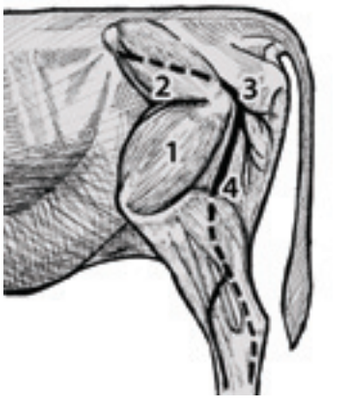
§ The mishna teaches: **One who eats** an olive-bulk **of the sciatic nerve** incurs forty lashes. **Shmuel says: The Torah prohibits only** the part of the sciatic nerve **that is on the** rounded protrusion of flesh shaped like **a spoon**[BH] that is near the end of the femur. This is **as it is stated** in the verse: "Therefore the children of Israel eat not the sciatic nerve that is **upon the spoon of the thigh**" (Genesis 32:33).

LANGUAGE

Incurs [*sofeg*] – סוֹפֵג: The source of this word is the Hebrew *sefog*, meaning sponge. It is derived from the Greek σπόγγος, *spongos*, meaning absorption or drawing out. The meaning of the Hebrew word was later broadened to include other types of non-literal absorption, whether relating to money or other matters, such as incurring lashes, which can also be considered as absorbing them. In the *Arukh* an opinion appears connecting the usage in relation to lashes to the term for clapping [*sofek*], since receiving lashes can be seen as being clapped on one's body.

BACKGROUND

Spoon – כַּף: The section referred to here as the spoon is a rounded muscle that covers the entire length of the femur (1), and also the area where the femur is joined with the hip (2). The portion of the sciatic nerve considered to be on the spoon is the portion that passes above the upper section of the femur (3). This is the only spot where the sciatic nerve passes in close proximity to a bone, and only one who consumes this portion of the sciatic nerve has violated the Torah prohibition; one who consumes any other portion has violated a rabbinic prohibition. According to another interpretation, the portion forbidden by Torah law includes the entire section of the nerve that extends within the flesh around the femur (4), and not only the portion located on the top of the femur.



Path of the sciatic nerve through the hind leg of a cow

HALAKHA

One who eats…of the sciatic nerve – הָאוֹכֵל מִגִּיד הַנָּשֶׁה: One who eats part of the inner sciatic nerve from the protrusion at the upper part of the femur receives lashes. If he eats from the fats of the sciatic nerve, from other parts of the inner nerve, or from the outer sciatic nerve, he receives lashes for rebelliousness. For this purpose, eating is defined as the consumption of one olive-bulk. If he eats the entire nerve, even if it is not an olive-bulk, he also receives lashes, because it is an entire entity (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:2).

If one ate an olive-bulk from this and an olive-bulk from that – אָכַל מִזֶּה כַּזַּיִת וּמִזֶּה כַּזַּיִת: If one eats an olive-bulk of the sciatic nerve of the right leg and an olive-bulk of the sciatic nerve from the left leg, he receives eighty lashes. He also receives eighty lashes if he eats two entire sciatic nerves, even if they do not contain an olive-bulk. This is in accordance with the opinion of the first *tanna* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:3).

The Torah prohibits only the part that is on the spoon – לֹא אָסְרָה תּוֹרָה אֶלָּא שֶׁעַל הַכַּף בִּלְבַד: The primary part of the sciatic nerve that is forbidden is that part that is on the rounded protrusion of flesh shaped like a spoon, in accordance with the opinion of Shmuel (*Shulḥan Arukh*, *Yoreh De'a* 100:1 in the comment of Rema).

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BACKGROUND

Subject to a dispute between *tanna'im* – כְּתַנָּאֵי: This term indicates that an amoraic dispute will be shown to parallel a tannaitic dispute. When the Gemara uses this expression without preceding it with the expression: Let us say, the proposed parallel between the amoraic dispute and the tannaitic dispute is usually accepted. The general benefit to matching an amoraic dispute to a tannaitic one is that the earlier dispute helps to clarify the later one. If, for example, the principles are parallel but the applications in the two texts differ, an alternative expression of the respective opinions helps elucidate the reasoning behind each ruling. By contrast, when the Gemara uses the term: Let us say, it might signal an investigation as to the difference between the current amoraic debate and the earlier tannaitic one, based on the assumption that *amora'im* do not simply repeat an issue that has already been discussed. Consequently, a clarification is in order.

אָמַר רַב פַּפָּא, כְּתַנָּאֵי: אֲכָלוֹ וְאֵין בּוֹ כַּזַּיִת – חַיָּיב, רַבִּי יְהוּדָה אוֹמֵר: עַד שֶׁיְּהֵא בּוֹ כַּזַּיִת.

Rav Pappa says: This statement of Shmuel is **subject to** a dispute between ***tanna'im,***[B] as it is taught in a *baraita*: If **one ate** the entire sciatic nerve and **it did not contain an olive-bulk, he is** nevertheless **liable** to be flogged. **Rabbi Yehuda says:** He is not liable **unless it has** a volume of at least **an olive-bulk.**

מַאי טַעְמָא דְּרַבָּנַן – בְּרִיָּה (בִּפְנֵי עַצְמָהּ) הִיא.

Rav Pappa explains how this relates to Shmuel's statement. **What is the reason** for the opinion **of the Rabbis,** who disagree with Rabbi Yehuda? They hold that the sciatic nerve **is a distinct entity.**[N] Therefore, even if one eats less than an olive-bulk it is a significant act of eating, and one is liable.

NOTES

It is a distinct entity – בְּרִיָּה בִּפְנֵי עַצְמָהּ הִיא: This reference to the sciatic nerve as a distinct entity is somewhat difficult, as according to Shmuel, whose opinion is accepted by the Rabbis on the next *amud*, only the portion of the sciatic nerve that is on the protrusion of flesh near the end of the femur is included in the Torah prohibition, and this portion is not a distinct entity. One suggestion is that according to *Tosafot*, anywhere that the Torah defines an item as prohibited, e.g., the sciatic nerve or a non-kosher bird, it is as if the Torah explicitly wrote that regardless of size this item is forbidden, provided it is whole. Since the Torah defines the part of the sciatic nerve next to the spoon of the thigh as the forbidden sciatic nerve, it is as if the Torah stated explicitly that it is forbidden regardless of whether it is truly a complete, distinct entity.

According to those early commentaries who disagree with *Tosafot* and hold that only a complete item that has always been forbidden is defined as an entity, the difficulty can be resolved by explaining that the Rabbis hold that one who eats the entire sciatic nerve is liable due to its importance, even if the forbidden portion is less than an olive-bulk. But one who eats only the part of the sciatic nerve that is attached to the spoon of the thigh is not liable unless it is an olive-bulk. The Rema does not accept this suggestion, as he rules that one who eats the portion on the rounded protrusion is liable even if it is less than an olive-bulk (*Kehillot Ya'akov*).

Perek **VII**
Daf **96** Amud **b**

וְרַבִּי יְהוּדָה? אֲכִילָה כְּתִיבָה בֵּיהּ. וְרַבָּנַן? הַהִיא אֲכִילָה דְּכִי אִית בֵּיהּ אַרְבָּעָה וַחֲמִשָּׁה זֵיתִים וְאָכַל חַד כַּזַּיִת – מִיחַיַּיב.

And what does **Rabbi Yehuda** hold? He holds that since the term: **Eating, is written with regard to** the sciatic nerve, and a significant act of eating is generally defined as eating an olive-bulk, one is liable only if he eats an olive-bulk. **And** what do **the Rabbis** derive from this term? **That** usage of the term **eating** indicates **that** in a case where the sciatic nerve **contains four or five olive-bulks and** one **ate** only **one olive-bulk, he is liable.** Nevertheless, if one eats the entire sciatic nerve, he is liable even if it contains less than an olive-bulk.

וְרַבִּי יְהוּדָה? מֵ"אֲשֶׁר עַל כַּף הַיָּרֵךְ" נָפְקָא.

And according to **Rabbi Yehuda,** from where is it derived that one is liable for eating one olive-bulk of a larger sciatic nerve? He holds that it **is derived from** the phrase **"that is upon the spoon of the thigh,"** which indicates that even if one eats only the part of the sciatic nerve that is upon the spoon of the thigh, rather than the entire sciatic nerve, he is liable.

וְרַבָּנַן? הַהוּא מִיבָּעֵי לֵיהּ לְכִדְשְׁמוּאֵל, דַּאֲמַר שְׁמוּאֵל: לֹא אָסְרָה תּוֹרָה אֶלָּא שֶׁעַל כַּף הַיָּרֵךְ. וְרַבִּי יְהוּדָה? "הַיָּרֵךְ" כְּתִיב – דְּכוּלָּהּ יָרֵךְ.

And how do **the Rabbis** interpret that phrase? **That** phrase **is necessary to** teach the *halakha* stated by **Shmuel, as Shmuel said: The Torah prohibits only** the part of the sciatic nerve **that is on the** rounded protrusion of flesh shaped like a **spoon. And** what does **Rabbi Yehuda** hold with regard to the *halakha* stated by Shmuel? He derives from the fact that it **is written:** "The spoon of **the thigh,"** that the sciatic nerve **of the entire thigh** is forbidden, not just the part that is on the rounded protrusion of flesh shaped like a spoon.

וְרַבָּנַן? הַהוּא – דְּפָשֵׁיט אִיסּוּרֵיהּ בְּכוּלֵּיהּ יָרֵךְ, לְאַפּוֹקֵי חִיצוֹן – דְּלָא, וּלְעוֹלָם שֶׁעַל הַכַּף.

And how do **the Rabbis** interpret "the spoon of the thigh"? According to the Rabbis, **this** expression indicates that **the prohibition of** the sciatic nerve applies to the nerve **that extends** throughout **the entire thigh,** i.e., the inner nerve, which serves **to exclude the outer** nerve, **which is not** forbidden by Torah law; **but in fact,** only the part of the inner nerve **that is on the** protrusion of flesh shaped like **a spoon** is forbidden, not the entire inner nerve.

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וְהַאי ״כַּף״ מִיבָּעֵי לֵיהּ לְמַעוּטֵי עוֹף, דְּלֵית לֵיהּ כַּף! תְּרֵי ״כַּף״ כְּתִיבִי.

The Gemara objects: **But this** term **"spoon" is required to exclude** the sciatic nerve of **a bird, which does not have** a rounded protrusion on its thigh bone that can be described as the **spoon of the thigh,** as taught in the mishna (89b). The Gemara explains: There are **two** usages of the term **"spoon"** written in the verse, and therefore two separate *halakhot* can be derived from this term.

מתני׳ יֶרֶךְ שֶׁנִּתְבַּשֵּׁל בָּהּ גִּיד הַנָּשֶׁה, אִם יֵשׁ בָּהּ בְּנוֹתֵן טַעַם – הֲרֵי זוֹ אֲסוּרָה. כֵּיצַד מְשַׁעֲרִין אוֹתָהּ – כְּבָשָׂר בְּלֶפֶת.

MISHNA In the case of **a thigh that was cooked** with **the sciatic nerve in it, if there is** enough of the sciatic nerve **in it** to **impart** its **flavor** to the thigh, the entire thigh **is forbidden** for consumption. **How does one measure**[N] whether there is enough sciatic nerve to impart flavor to the meat of the entire thigh? One relates to it **as though** the sciatic nerve were **meat** imparting flavor **to a turnip.**[NB] If meat the volume of the sciatic nerve would impart flavor to a turnip the volume of the thigh when they were cooked together, then the entire thigh is forbidden.

גִּיד הַנָּשֶׁה שֶׁנִּתְבַּשֵּׁל עִם הַגִּידִים, בִּזְמַן שֶׁמַּכִּירוֹ – בְּנוֹתֵן טַעַם, וְאִם לָאו – כּוּלָּן אֲסוּרִין, וְהָרוֹטֶב – בְּנוֹתֵן טַעַם.

With regard to **a sciatic nerve that was cooked with** other **sinews, when one identifies** the sciatic nerve and removes it, the other sinews are forbidden if the sciatic nerve was large enough to **impart flavor. And if** he does **not** identify it, **all** the sinews are **forbidden** because each one could be the sciatic nerve; **but the broth** is forbidden only if the sciatic nerve **imparts flavor** to the broth.

וְכֵן חֲתִיכָה שֶׁל נְבֵלָה, וְכֵן חֲתִיכָה שֶׁל דָּג טָמֵא שֶׁנִּתְבַּשְּׁלָה עִם הַחֲתִיכוֹת, בִּזְמַן שֶׁמַּכִּירָן – בְּנוֹתֵן טַעַם, וְאִם לָאו – כּוּלָּן אֲסוּרוֹת, וְהָרוֹטֶב – בְּנוֹתֵן טַעַם.

And similarly, in the case of **a piece of an animal carcass or a piece of non-kosher fish that was cooked with** similar **pieces** of kosher meat or fish, **when one identifies** the forbidden piece and removes it, the rest of the meat or fish is forbidden only if the forbidden piece was large enough to **impart flavor** to the entire mixture. **And if** he does **not** identify and remove the forbidden piece, **all** the pieces **are forbidden,** due to the possibility that each piece one selects might be the forbidden piece; **but the broth** is forbidden only if the forbidden piece **imparts flavor** to the broth.

גמ׳ אָמַר שְׁמוּאֵל: לֹא שָׁנוּ אֶלָּא שֶׁנִּתְבַּשֵּׁל בָּהּ, אֲבָל נִצְלָה בָּהּ – קוֹלֵף וְאוֹכֵל עַד שֶׁמַּגִּיעַ לַגִּיד.

GEMARA The mishna teaches that a thigh that was cooked with the sciatic nerve is forbidden if the nerve imparts flavor to the thigh. **Shmuel says:** The Sages **taught** that the thigh is entirely forbidden **only when it was cooked** with the sciatic nerve **inside it. But** if the sciatic nerve was **roasted inside** the thigh, one may **peel** away the meat **and eat** it **until he reaches the** sciatic **nerve,**[H] and then he removes the nerve.

אִינִי, וְהָאָמַר רַב הוּנָא: גְּדִי שֶׁצָּלָאוּ בְּחֶלְבּוֹ – אָסוּר לֶאֱכוֹל אֲפִילּוּ מֵרֹאשׁ אָזְנוֹ!

The Gemara challenges: **Is that so? But doesn't Rav Huna say:** With regard to **a kid that was roasted with its** forbidden **fat, it is prohibited to eat** any part of the animal, **even from the top of its ear?** This proves that roasting, like cooking, spreads the flavor of the forbidden fat throughout the entire animal.

HALAKHA

If it was roasted inside, one may peel away and eat it until he reaches the nerve – נִצְלָה בָּהּ קוֹלֵף וְאוֹכֵל עַד שֶׁמַּגִּיעַ לַגִּיד: If a thigh was roasted with its sciatic nerve, one must remove the nerve and a finger's thickness of meat surrounding it, in accordance with the opinion of Shmuel (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:32; *Shulḥan Arukh*, *Yoreh De'a* 105:4).

NOTES

How does one measure – כֵּיצַד מְשַׁעֲרִין אוֹתָהּ כְּבָשָׂר בְּלֶפֶת: This method of measuring is necessary since the sciatic nerve has the same flavor as the meat and cannot be tasted in the thigh. Moreover, even if one could taste it, it is forbidden for a Jew to taste the thigh with the sciatic nerve in it, since the thigh may be forbidden (Meiri).

As though it were meat imparting flavor to a turnip – כְּבָשָׂר בְּלֶפֶת: The measure of nullification is a *halakha* transmitted to Moses from Sinai. The received tradition is that this is how one assesses the ratio of sciatic nerve to meat at which the meat becomes forbidden, even though if it were assessed with a different type of vegetable the ratio would be greater or lesser (Rashi).

BACKGROUND

Turnip – לֶפֶת: The turnip, *Brassica rapa*, a round tuber, is a winter garden vegetable from the mustard and cabbage family used for food, including animal fodder, and often cooked and eaten as a side dish with meat. It is not usually particularly large, weighing up to a kilogram, but in some cases it can grow to exceptional sizes.



Turnip

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BACKGROUND

Synagogue of the town Maon – בְּנִישְׁתָּא דְּמָעוֹן: This refers to the large synagogue in the town of Maon, or Beit Maon, which was a suburb west of Tiberias. Beit Maon was the home town of the priestly watch of the Ḥuppa family.



Location of Beit Maon

LANGUAGE

Stewpot [*ilpas*] – אִילְפַּס: From the Greek λοπάς, *lopas*, referring to a flat dish, frying pan, or large vessel used for cooking and eating.

Cook [*kapeila*] – קַפֵּילָא: From the Greek κάπηλος, *kapēlos*, meaning peddler, owner of a small store, or innkeeper.

שָׁאנֵי חֵלֶב – דִּמְפַעְפֵּעַ.

The Gemara answers: Forbidden **fat is different** from the sciatic nerve, **because** its flavor **permeates** throughout the animal, unlike that of the sciatic nerve.

וּבְחֵלֶב אָסוּר? וְהָאֲמַר רַבָּה בַּר בַּר חָנָה: עוּבְדָא הֲוָה קַמֵּיהּ דְּרַבִּי יוֹחָנָן בִּכְנִישְׁתָּא דְּמָעוֹן, בִּגְדִי שֶׁצָּלָאוּ בְּחֶלְבּוֹ, וְאָתוּ וְשַׁיְילוּהּ לְרַבִּי יוֹחָנָן, וַאֲמַר: קוֹלֵף וְאוֹכֵל עַד שֶׁמַּגִּיעַ לְחֶלְבּוֹ! הַהוּא, כָּחוּשׁ הֲוָה.

The Gemara challenges Rav Huna's statement: **And** in the case of a kid roasted **with** its forbidden **fat,** is the meat **forbidden? But didn't Rabba bar bar Ḥana say: There was an incident** that came **before Rabbi Yoḥanan in the synagogue of** the town of **Maon,**[B] **where a young goat was roasted with its fat, and** the people **came and asked Rabbi Yoḥanan** about the status of the meat, **and he said: Peel** away the meat **and eat** it **until** you **reach the** forbidden **fat?** This indicates that the flavor of the fat does not permeate the entire animal in which it is roasted. The Gemara answers: **That** kid **was lean**[H] and had so little fat that its flavor did not permeate throughout the animal.

רַב הוּנָא בַּר יְהוּדָה אָמַר: כּוּלְיָא בְּחֶלְבָּהּ הֲוָה, וְשָׁרְיָא. רָבִין בַּר רַב אַדָּא אָמַר: כִּילְכִּית בָּאִילְפַּס הֲוָה, וְאָתוּ שַׁיְילוּהּ לְרַבִּי יוֹחָנָן, וַאֲמַר לְהוּ: לִיטְעֲמֵיהּ קַפֵּילָא אוֹרְמָאָה.

Rav Huna bar Yehuda said: That **was** a case of **a kidney** of a young goat roasted **with its** forbidden **fat,**[H] **and** Rabbi Yoḥanan **permitted it** to be eaten because there is a membrane that separates the fat from the kidney and prevents the fat from penetrating the kidney. **Ravin bar Rav Adda said:** That **was** a case of a small, non-kosher fish known as ***kilkhit,*** which fell **into a stewpot** [***ilpas***],[L] **and they came** to **ask Rabbi Yoḥanan** about its status. **And he said to them: Let a gentile cook** [***kapeila***][L] **taste it** in order to determine whether the flavor of the non-kosher fish has permeated the entire mixture.

אָמַר רָבָא: מֵרִישׁ הֲוָה קָא קַשְׁיָא לִי הָא דְּתַנְיָא, קְדֵרָה שֶׁבִּשֵּׁל בָּהּ בָּשָׂר – לֹא יְבַשֵּׁל בָּהּ חָלָב, וְאִם בִּשֵּׁל – בְּנוֹתֵן טַעַם. תְּרוּמָה – לֹא יְבַשֵּׁל בָּהּ חוּלִין, וְאִם בִּשֵּׁל – בְּנוֹתֵן טַעַם.

Rava said: Initially that which is taught in the following *baraita* posed **a difficulty for me:** With regard to **a pot in which one cooked meat,**[H] **one may not cook milk in it; and if he did cook** milk in it, the meat absorbed by the pot renders the milk forbidden if it **imparts flavor** to the milk. Similarly, if one cooked ***teruma***[H] in a pot, one **may not cook non-sacred** food **in it; and if one did cook** non-sacred food in it, the absorbed *teruma* renders the food in the pot sacred if it **imparts flavor** to it.

בִּשְׁלָמָא תְּרוּמָה – טָעִים לָהּ כֹּהֵן, אֶלָּא, בָּשָׂר בְּחָלָב – מַאן טָעִים לֵיהּ? הָשְׁתָּא דַּאֲמַר רַבִּי יוֹחָנָן: סָמְכִינַן אַקַּפֵּילָא אוֹרְמָאָה, הָכָא נַמִּי – סָמְכִינַן אַקַּפֵּילָא אוֹרְמָאָה.

Rava explains: **Granted,** in the case of a pot used for ***teruma,* a priest,** who is permitted to partake of *teruma,* **can taste** the non-sacred food subsequently cooked in the pot in order to determine whether the *teruma* imparted flavor to the non-sacred food. **But** in a case where it is not known whether **meat** imparted flavor **into milk, who can taste it?** If the meat did impart flavor to the milk, it would be forbidden for any Jew to consume the milk. But **now that Rabbi Yoḥanan said: We rely on a gentile cook** in the case of the *kilkhit,* **here also we rely on a gentile cook** to taste it and say whether the meat has imparted flavor to the milk.

HALAKHA

Forbidden fat is different because its flavor permeates…that was lean – שָׁאנֵי חֵלֶב דִּמְפַעְפֵּעַ...כָּחוּשׁ הֲוָה: If a fatty young goat was roasted with its forbidden fat and does not contain sixty times as much permitted meat as forbidden fat, it is forbidden to eat even from the tip of its ear. Since it is fatty the forbidden fat permeates throughout the entire animal. But if the goat was lean, the forbidden fat renders the area around it prohibited only to the depth of a fingerbreadth, even if there is not sixty times as much permitted meat as the forbidden fat, because the fat of a lean animal is lean in its nature and does not permeate. This ruling is in accordance with the rulings of Rav Huna and Rabbi Yoḥanan and the Gemara's explanation. The Rema writes that some say that nowadays the distinction between fatty and lean is not known. Therefore, the meat is forbidden in every case unless there is sixty times as much permitted meat as forbidden, and even then the surface surrounding the fat to the depth of a fingerbreadth must be removed around the forbidden parts. This is in fact the custom (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 15:32; *Shulḥan Arukh, Yoreh De'a* 105:5, and in the comment of Rema).

A kidney with its forbidden fat – כּוּלְיָא בְּחֶלְבָּהּ: If a kidney was roasted with its forbidden fat, the fat renders its surrounding area prohibited only to the depth that is removed by peeling, because the membrane prevents the flavor of the fat from entering. This ruling is in accordance with the opinion of Rabbi Yoḥanan according to Rav Huna bar Yehuda's explanation. The Rema writes that some hold that the entire kidney is forbidden, and that this is the custom and one may not deviate from it. Consequently, it is treated the same as any other case of forbidden fat that was roasted with meat. If the kidney was cooked with its fat it becomes non-kosher, and the rest of the food in the pot is permitted only if there is sixty times as much permitted food as the entire kidney (*Shulḥan Arukh, Yoreh De'a* 105:8).

A pot in which one cooked meat – קְדֵרָה שֶׁבִּשֵּׁל בָּהּ בָּשָׂר: A pot in which meat has been cooked may not be used to cook milk. If one did cook milk in a meat pot within twenty-four hours of cooking the meat, the milk is forbidden if the flavor of the meat is noticeable in the milk, which may be determined by giving it to a gentile cook to taste. The Rema writes that the milk is forbidden unless there is sixty times as much milk as the material of the entire pot itself. If the pot has not been used to cook meat for more than twenty-four hours before the milk was cooked, the flavor of the meat is tainted and the food is permitted. Nevertheless, it is prohibited to use the pot itself for cooking either meat or milk, although it is permitted to cook other foods in it (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:11; *Shulḥan Arukh, Yoreh De'a* 93:1, and in the comment of Rema, and *Shakh* there).

A pot in which one cooked…*teruma* – קְדֵרָה שֶׁבִּשֵּׁל בָּהּ...תְּרוּמָה: One may not cook non-sacred food in a pot that has been used to cook *teruma*. If one does cook non-sacred food in a pot that has been used to cook *teruma* the food is forbidden to an Israelite if it has any flavor from the *teruma*. A priest must taste it to determine whether or not any of the flavor from the *teruma* remains (Rambam *Sefer Zera'im, Hilkhot Terumot* 15:19).

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דַּאֲמַר רָבָא: אֲמוּר רַבָּנַן בְּטַעֲמָא, וַאֲמוּר רַבָּנַן בְּקַפִּילָא,

The Gemara summarizes the guidelines that determine when an item cooked with another item affects the status of the mixture. **Rava said:**[N] **The Sages said** that there are cases where one relies **on** a Jew **tasting** the food, **and the Sages said** that there are some cases where one relies **on** a gentile **cook** to taste the food,

NOTES

Rava said – דַּאֲמַר רָבָא: As printed in the Vilna Talmud, this phrase would be rendered: As Rava said. But many manuscripts omit the prefix *dalet* so that the phrase reads: Rava said, thereby setting this statement apart from the previous discussion.

Perek **VII**
Daf **97** Amud **b**

וַאֲמוּר רַבָּנַן: בְּשִׁשִּׁים. הִלְכָךְ: מִין בְּשֶׁאֵינוֹ מִינוֹ דְּהֶיתֵּרָא – בְּטַעֲמָא, דְּאִיסּוּרָא – בְּקַפִּילָא.

and the Sages said that there are cases where the mixture is permitted if there is **sixty** times as much permitted food as forbidden food. **Therefore,** in a case where the mixture is **a type** of food mixed **with** food **not** of **its** own **type,** so that there is a difference in taste between the two components, **when** there are Jews for whom the mixture is **permitted,** one relies **on** a Jew **tasting** the mixture. This is the *halakha* when *teruma* is cooked with non-sacred food. **When** the mixture is potentially **forbidden,**[H] e.g., in the case of meat cooked with milk, one relies **on** a gentile **cook**[N] to taste it.

וּמִין בְּמִינוֹ דְּלֵיכָּא לְמֵיקָם אַטַּעֲמָא, אִי נַמִי מִין בְּשֶׁאֵינוֹ מִינוֹ דְּאִיסּוּרָא דְּלֵיכָּא קַפִּילָא – בְּשִׁשִּׁים.

And if the mixture is composed of **a type** of food mixed **with** food of **its** own **type, where one cannot ascertain** whether the forbidden component has imparted **flavor; or** if it is composed of **a type** of food mixed **with** food **not** of **its** own **type when** the mixture may be **forbidden** and it is a case **where there is no** gentile **cook** available to taste it, the mixture is permitted if there is **sixty** times as much permitted food as forbidden food.

הָנְהוּ אַטְמָהָתָא דְּאִימְלִיחוּ בֵּי רֵישׁ גָּלוּתָא בְּגִידָא נַשָּׁיָא, רָבִינָא – אֲסַר, רַב אַחָא בַּר רַב אַשִׁי – שָׁרֵי. אָתוּ שַׁיְילוּהּ לְמָר בַּר רַב אַשִׁי, אֲמַר לְהוּ: אַבָּא שָׁרֵי.

§ The Gemara (96b) cited Shmuel's opinion with regard to the thigh of an animal that was roasted or cooked with the sciatic nerve still inside. The Gemara relates the following incident: There were **those** animal **thighs that were salted in the home of the Exilarch with the sciatic nerve** still inside; **Ravina** ruled that they were **forbidden,** whereas **Rav Aḥa bar Rav Ashi** ruled that they were **permitted. They came and asked Mar bar Rav Ashi** to render a decision. **He said to them:** My **father permitted** the meat in such circumstances.

אֲמַר לֵיהּ רַב אַחָא בַּר רַב לְרָבִינָא, מַאי דְּעָתֵיךְ, דַּאֲמַר שְׁמוּאֵל: מָלִיחַ הֲרֵי הוּא כְּרוֹתֵחַ, כָּבוּשׁ – הֲרֵי הוּא כִּמְבוּשָׁל?

Rav Aḥa bar Rav said to Ravina: What is your reasoning in prohibiting the meat? Is it because of **what Shmuel said: A salted** food item **is** considered **like a boiling hot**[H] food item, and a food item **marinated** in vinegar, brine, or the like **is** considered **like a cooked** food item?[HN] Perhaps based on this statement of Shmuel you consider the salted thighs as though they have been cooked with their sciatic nerves, in which case they are forbidden.

NOTES

On a gentile cook – בְּקַפִּילָא: There is a dispute among the early commentaries as to the reason the testimony of a gentile cook is deemed credible. Some say that in general a gentile is not deemed credible because he may have an ulterior motive, but that applies only where he knows that he is being relied upon. If he does not realize the importance of his words and speaks offhandedly he is deemed credible (Rashi). Others suggest that since he is a cook, he does not want to risk his reputation by giving false information about the flavor of food. Therefore even if he knows that he is being relied upon he is deemed credible (Ran). Some say that both of these opinions are correct, and accept the evidence of either a gentile cook, or a regular gentile speaking offhandedly (*Beit Yosef*). The later authorities write that nowadays the custom is never to rely on a gentile for these issues, but to assess everything by measuring sixty times the volume of the forbidden item (Rema on *Shulḥan Arukh*, *Yoreh De'a* 98:1).

Marinated is like a cooked food item – כָּבוּשׁ הֲרֵי הוּא כִּמְבוּשָׁל: Rashi defines the word marinated as being soaked in vinegar. This is ostensibly difficult, as the Gemara elsewhere (*Pesaḥim* 44b) refers to meat that was marinated in milk, indicating that the term marinated does not necessarily mean soaked in vinegar. The *Ḥatam Sofer* explains that milk sours and becomes like vinegar after twenty-four hours of meat being soaked in it.

HALAKHA

A type mixed with food not of its own type…when potentially forbidden – מִין בְּשֶׁאֵינוֹ מִינוֹ...דְּאִיסּוּרָא: In the case where forbidden food becomes mixed with permitted food of a different type, such as forbidden fat that was mixed with meat, the mixture should be tasted by a gentile. If the gentile says that there is no taste of forbidden fat in the mixture or if he says that he tastes fat but it is tainted, the food is permitted. This applies only if the taste will not improve over time. In addition, this gentile must not know that he is being relied upon and that his answer is important. If there is no gentile who can taste it, the forbidden fat is nullified if there is a ratio of at least sixty to one of permitted food to forbidden food. The Rema writes that nowadays the custom is not to rely on a gentile but to always nullify using the measurement of sixty (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:30; *Shulḥan Arukh*, *Yoreh De'a* 98:1, and in the comment of Rema, and see *Shakh*).

Salted food is like a boiling hot food – מָלִיחַ הֲרֵי הוּא כְּרוֹתֵחַ: A food so salty that it cannot be eaten is considered to have the same status as boiling hot food and imparts flavor that can render other foods forbidden. The *Shulḥan Arukh* details the extent to which this food can render other foods forbidden, and the proportion in which it is nullified in such a mixture (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 105:9).

Marinated is like a cooked food item – כָּבוּשׁ הֲרֵי הוּא כִּמְבוּשָׁל: Food that has soaked for twenty-four hours in a cold liquid is considered to be marinated and has the same status as if it had been cooked. Therefore, if forbidden food is soaked with permitted food for twenty-four hours everything becomes forbidden. If it is soaked for less than twenty-four hours it is sufficient to simply rinse the permitted food (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:34 and *Sefer Zera'im*, *Hilkhot Terumot* 15:9–10; *Shulḥan Arukh*, *Yoreh De'a* 105:1).

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BACKGROUND

Onion – בָּצָל: The onion, *Allium cepa*, is a biennial root crop from the genus *Allium*, which also contains garlic, shallots, and chives, and in fact onions and garlic are often mentioned together (e.g., Numbers 11:5). The modern plant typically grows to a height of 15 to 45 cm. Onions were inexpensive and widely eaten in the talmudic era and were used for flavoring due to their strong taste.



Roots, leaves, and bulbs of the onion plant

Pepper – פִּלְפְּלִין: When pepper is mentioned by the Sages it refers to *Piper nigrum*, black pepper. The pepper plant is a climber that reaches a height between 5 and 7 m, although it is similar to the grapevine in that it spreads its leaves on the ground when there is no opportunity for it to climb. At the ends of the branches, white blossoms grow, and from these blossoms, fruits the shape and size of a pea sprout grow and then ripen and turn red. The fruits were used primarily for spices after being ground up in a metal mill uniquely suited for this purpose.

The pepper is native to southern India. Apparently, in the talmudic era this plant was grown in select locations in Eretz Yisrael as well.



Branch of the pepper tree

וְהָאֲמַר שְׁמוּאֵל: לֹא שָׁנוּ – אֶלָּא שֶׁנִּתְבַּשֵּׁל בָּהּ, אֲבָל נִצְלָה בָּהּ – קוֹלֵף וְאוֹכֵל עַד שֶׁמַּגִּיעַ לַגִּיד!

But didn't Shmuel also **say** (96b): **They taught** that the thigh is entirely forbidden **only when it was cooked** with the sciatic nerve **inside it. But** if the sciatic nerve was **roasted inside** the thigh, one may **peel** away the meat **and eat** it **until he reaches the** sciatic **nerve,** and then he removes the nerve.

וְכִי תֵּימָא, מַאי "בְּרוֹתֵחַ" דְּקָאָמַר – בְּרוֹתֵחַ דְּמִבּוּשָּׁל, וְהָא מְדְּקָאָמַר "כָּבוּשׁ הֲרֵי הוּא כִּמְבוּשָּׁל", מִכְּלָל דִּרוֹתֵחַ דְּצָלִי קָאָמַר! קַשְׁיָא.

And if you would say: What is the meaning of the phrase: **Like a boiling hot** food item, **that** Shmuel **said?** It is **like boiling hot** food **that was cooked** rather than hot food that was roasted, and therefore if the thigh was salted with its sciatic nerve the entire thigh becomes forbidden. This is not a convincing claim, because **from** the fact **that** Shmuel **said:** A food item **marinated** in vinegar, brine, or the like **is** considered **like a cooked** food item, it may be understood **by inference** that **when he said** that salted food is like **boiling hot** food he **was saying** that it is **like boiling hot** food **that is roasted.** The Gemara concludes: This poses **a difficulty** to the opinion of Ravina.

אָמַר רַבִּי חֲנִינָא: כְּשֶׁהֵן מְשַׁעֲרִין, מְשַׁעֲרִין בְּרוֹטָב, וּבְקִיפָּה, וּבַחֲתִיכוֹת, וּבְקֻדָּרָה. אִיכָּא דְּאָמְרִי: בְּקֻדָּרָה עַצְמָהּ, וְאִיכָּא דְּאָמְרִי: בְּמַאי דְּבָלְעָה קֻדָּרָה.

§ The Gemara elaborates on the statement that if permitted and forbidden foods are cooked together and there is sixty times as much permitted food as forbidden food, the mixture is permitted. **Rabbi Ḥanina says: When they assess** whether or not there is sixty times as much permitted food, **they assess** the volume of **the broth,**[H] **the deposits** [***kifa***],[L] **the pieces** of permitted food cooked in the pot, **and the pot** itself. The Gemara explains this last point: **There are** those **who say** this means that one includes the volume of the material of **the pot itself, and there are** those **who say** it means that one includes the volume of **that which the pot has absorbed** from the permitted food. When meat cooks its volume decreases, and some of the meat that constitutes that discrepancy is absorbed into the sides of the pot.

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה מְשַׁעֲרִינַן כְּאִילּוּ הֵן בָּצָל וְקַפְלוּט.

The Gemara continues its discussion of nullification. **Rabbi Abbahu says** that **Rabbi Yoḥanan says:** With regard to **all forbidden** foods **that are** prohibited **in the Torah,** if they are cooked with permitted food and one cannot tell whether they have imparted flavor to the permitted food, **we assess** the mixture **as though** the forbidden food were **onion**[B] **or leek** [***kaflot***].[L] If that amount of onions or leeks would impart flavor to the permitted food, one must assume that the mixture is forbidden.

אֲמַר לֵיהּ רַבִּי אַבָּא לְאַבַּיֵי: וְלִשַׁעֲרִינְהוּ בְּפִלְפְּלִין וְתַבְלִין, דַּאֲפִילּוּ בְּאֶלֶף לֹא בְּטֵלִין! אֲמַר לֵיהּ: שִׁיעֲרוּ חֲכָמִים דְּאֵין נוֹתֵן טַעַם בְּאִיסּוּרִין יוֹתֵר מִבָּצָל וְקַפְלוּט.

Rabbi Abba said to Abaye: But let one assess the mixture as though the forbidden food were **pepper**[B] **or** other **spices, which** are even more pungent, in which case **they** would **not be nullified even** if they were mixed **with a thousand** times as much permitted food. Abaye **said to him: The Sages ascertained that with regard to forbidden** foods, **there is nothing that imparts more flavor** to a mixture **than onion and leek.**

HALAKHA

When they assess they assess the broth, etc. – כְּשֶׁהֵן מְשַׁעֲרִין מְשַׁעֲרִין בְּרוֹטָב וכו': When assessing the ratio of any potentially forbidden mixture, whether it is nullified in sixty times its volume or one hundred times its volume, one includes within the volume of the permitted food the broth, spices, and everything else in the pot. In addition one includes food that the pot has absorbed, an amount one must estimate, since it is impossible to know exactly how much the pot has absorbed. This applies specifically when it is a type of food mixed with a food of its own type. But if it is a type of food mixed with a food not of its own type, one assesses the ratio based on the current amount of food, and does not include any amount that might have been in the sides of the pot. This ruling is in accordance with the second version of the Gemara's explanation of the statement of Rabbi Ḥanina (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:24; *Shulḥan Arukh*, *Yoreh De'a* 99:4).

LANGUAGE

Deposits [*kifa*] – קִיפָּה: Although this word is found in multiple forms, it appears that the root of the word is *kafa*, referring to that part of the dish crusted on the sides of the pot [*kufa*]. This contains small parts of cooked food and fat, and is in contrast to the broth, which is liquid. Even when the deposit is liquid, it is viscous and hardens quickly.

Leek [*kaflot*] – קַפְלוּט: From the Greek κεφαλωτόν, *kefaloton*, literally meaning head, a description assigned to several plants and animals. The Sages use the term primarily in reference to leeks, which have a thick and prominent head.

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אָמַר רַב נַחְמָן: גִּיד בְּשִׁשִּׁים – וְאֵין גִּיד מִן הַמִּנְיָן. כְּחָל בְּשִׁשִּׁים – וּכְחָל מִן הַמִּנְיָן. בֵּיצָה בְּשִׁשִּׁים – וְאֵין בֵּיצָה מִן הַמִּנְיָן.

§ The Gemara continues to discuss the nullification of forbidden foods. **Rav Naḥman says:** A sciatic **nerve** that was cooked with kosher food is nullified if the mixture contains permitted food that is **sixty** times the nerve's volume, **and the** sciatic **nerve** itself **is not counted** in that number,[H] because it cannot nullify itself. If **an udder,** which is meat but also contains milk, is cooked with other meat, the milk is nullified if the meat is **sixty** times[N] its volume, **and** the **udder** itself **is counted**[H] with the rest of the meat. If the **egg** of a non-kosher bird is cooked with kosher food, it is nullified if the permitted food is **sixty** times its volume, **and the egg** itself **is not counted**[H] in that number, as it cannot nullify itself.

אָמַר רַבִּי יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשִׁיָא: וּכְחָל עַצְמוֹ – אָסוּר, וְאִי נָפַל לִקְדֵרָה אַחֶרֶת – אוֹסֵר.

Rabbi Yitzḥak, son of Rav Mesharshiyya, says: In the case of an udder cooked with meat, even if the meat is sixty times the volume of the milk, so that the meat is permitted, the **udder itself is forbidden,**[H] because the meat imparts flavor to the milk contained within the udder, which then renders the udder forbidden. **And if** the udder subsequently **falls into another pot,** it also **renders** the contents of that pot **forbidden** unless they are sixty times the volume of the udder.

אָמַר רַב אַשִׁי, כִּי הֲוֵינַן בֵּי רַב בָּהֲנָא אִיבַּעְיָא לָן: כִּי מְשַׁעֲרִינַן – בְּדִידֵיהּ מְשַׁעֲרִינַן, אוֹ בְּמַאי דְּנָפַק מִינֵּיהּ מְשַׁעֲרִינַן?

Rav Ashi said: When we were in the study hall of Rav Kahana, a dilemma was raised before us: When we assess whether the contents of the pot are sufficient to nullify the udder, **do we assess** whether the pot contains sixty times as much permitted food as the entire volume of the meat of the udder **itself, or do we assess** only **that** milk **which came out from** the udder, since the udder itself has been removed from the mixture?

פְּשִׁיטָא דִּבְדִידֵיהּ מְשַׁעֲרִינַן, דְּאִי בְּמַה דְּנָפַק מִינֵּיהּ, מְנָא יָדְעִינַן? אֶלָּא מֵעַתָּה, נָפַל לִקְדֵרָה אַחֶרֶת לֹא יֹאסַר!

The Gemara responds: It is **obvious that we assess** the entire volume of the meat of the udder **itself, as if** we were to attempt to assess only **that which came out of it, how would we know** how much came out? The Gemara objects: **If that is so,** then if the udder **falls into another pot, it should not render** the food in that second pot **forbidden,** because it has been assumed that all the milk in the udder has been released into the first pot.

כֵּיוָן דְּאָמַר רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשִׁיָא: וּכְחָל עַצְמוֹ – אָסוּר, שָׁוְיוּהּ רַבָּנַן כַּחֲתִיכָה דְּנִבֵּלָה.

The Gemara explains: **Since Rav Yitzḥak, son of Rav Mesharshiyya, says** that even if there is sixty times as much meat in the pot as there is milk in the udder, **the udder itself is forbidden,** clearly **the Sages equated** the udder **with a piece of non-kosher** meat. Consequently, the reason the udder renders the contents of the second pot forbidden is that the udder is intrinsically forbidden, not because of the milk that is released into the pot while it is being cooked.

NOTES

An udder in sixty times – כְּחָל בְּשִׁשִּׁים: The meat of an udder is permitted to be eaten. Although there is milk within it, that milk does not render it forbidden. Milk inside an udder of a slaughtered animal is forbidden to be eaten with meat only by rabbinic law, and the Sages prohibited only other meat that was cooked with the milk of an udder, not the meat of the udder itself. If one cooks an udder with other meat, the milk from the udder renders the other meat in the pot forbidden. The udder itself is included in the sixty times measurement of meat necessary to nullify the taste of the milk (Ran).

HALAKHA

The sciatic nerve is not counted in that number – אֵין גִּיד מִן הַמִּנְיָן: The sciatic nerve does not have flavor, and therefore does not render other foods prohibited. By contrast, the forbidden fat surrounding the sciatic nerve does have flavor, and is nullified only if there is sixty times as much permitted food. If the sciatic nerve was not removed from the thigh and the entire thigh was cooked, the *halakha* is as follows: If there is sixty times as much permitted meat as forbidden fat and one identifies the sciatic nerve, the nerve must be removed, and the remainder is permitted. If he cannot identify the sciatic nerve, all the pieces of meat are forbidden, but the broth is permitted. If the sciatic nerve has dissolved completely, the entire mixture is permitted if there is sixty times as much permitted meat as the nerve and the forbidden fat together (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:17; *Shulḥan Arukh*, *Yoreh De'a* 100:2).

The udder itself is counted – כְּחָל מִן הַמִּנְיָן: It is forbidden to cook an udder that was not torn open to remove the milk, whether it is an udder of a young cow who has never nursed, or of an adult cow. If one cooked or roasted it on its own it is permitted to be eaten after the fact. If it was cooked with other meat, it is nullified if there is sixty times as much meat, and the udder itself is included within the sixty. The udder itself, though, is forbidden. Otherwise, the entire mixture is forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:18; *Shulḥan Arukh*, *Yoreh De'a* 90:1).

The egg itself is not counted – אֵין בֵּיצָה מִן הַמִּנְיָן: An egg that contains blood or a chick inside renders anything cooked with it forbidden even though the egg has a shell. Therefore, if the egg was cooked with other eggs, it is nullified only if it is cooked with sixty-one other eggs (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:19; *Shulḥan Arukh*, *Yoreh De'a* 86:5).

The udder itself is forbidden – וּכְחָל עַצְמוֹ אָסוּר: An udder that was cooked without its milk having been removed becomes a piece of non-kosher meat. Its bulk is estimated as it is after it is cooked and not as it was when it fell into the pot (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:13; *Shulḥan Arukh*, *Yoreh De'a* 90:1).

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בֵּיצָה בְּשִׁשִּׁים וְאֵין בֵּיצָה מִן הַמִּנְיָן. אֲמַר לֵיהּ רַב אִידִי בַּר אָבִין לְאַבַּיֵי: לְמֵימְרָא דְּיָהֲבָה טַעֲמָא? וְהָא אָמְרִי אֵינָשֵׁי כִּי מַיָּא דְּבֵיעֵי בְּעָלְמָא!

§ The Gemara addresses Rav Naḥman's statement that if the **egg** of a non-kosher bird is cooked with kosher food, it is nullified if the permitted food is **sixty** times its volume, **and the egg** itself **is not counted** in that number, as it cannot nullify itself. **Rav Idi bar Avin said to Abaye:** Is this **to say that** the forbidden egg **imparts flavor** to the food with which it is cooked? **But isn't** it true that when **people** want to indicate that food is tasteless, they **say:** This is **like mere egg-water?** This indicates that an egg does not impart flavor.

אֲמַר לֵיהּ: הָכָא בְּמַאי עָסְקִינַן

Abaye **said to him: Here we are dealing with**

Perek **VII**
Daf **98** Amud **a**

בְּבֵיצַת אֶפְרוֹחַ, אֲבָל טְמֵאָה – לֹא.

an egg that contains **a chick,** as the chick imparts flavor to the food in which the egg is cooked. **But** with regard to an egg that does not contain a chick but is from **a non-kosher** bird, it does **not** impart flavor to the food with which it is cooked.

אֵיתִיבֵיהּ: בֵּיצִים טְהוֹרוֹת שֶׁשְּׁלָקָן עִם בֵּיצִים טְמֵאוֹת, אִם יֵשׁ בָּהֶן בְּנוֹתֵן טַעַם – כּוּלָּן אֲסוּרוֹת! הָכָא נַמִּי – בְּבֵיצַת אֶפְרוֹחַ. וַאֲמַאי קָרֵי לָהּ "טְמֵאָה"? כֵּיוָן דְּאִית בָּהּ אֶפְרוֹחַ קָרֵי לָהּ "טְמֵאָה".

Rav Idi bar Avin **raised an objection to** this answer based on a *baraita* (*Tosefta*, *Terumot* 9:5): With regard to **kosher eggs that one boiled with non-kosher eggs, if they have** a ratio that allows the non-kosher eggs to **impart flavor** to the kosher eggs, **they are all forbidden.** This indicates that eggs from non-kosher birds do have flavor. Abaye answered: **Here, too** it is referring **to an egg** from a kosher bird that contains **a chick. And why** does the *baraita* **call this a non-kosher** egg, indicating that it is an egg from a non-kosher species? **Since it has a chick inside,** which causes the egg to be forbidden, the *baraita* **calls it non-kosher.**

וְהָא מִדְּקָתָנֵי סֵיפָא: בֵּיצִים שֶׁשְּׁלָקָן וְנִמְצָא אֶפְרוֹחַ בְּאַחַת מֵהֶן, אִם יֵשׁ בָּהֶן בְּנוֹתֵן טַעַם – כּוּלָּן אֲסוּרוֹת, מִכְּלָל דִּרֵישָׁא, דְּלֵית בָּהּ אֶפְרוֹחַ עָסְקִינַן!

The Gemara objects: **But from** the fact **that the latter clause teaches:** With regard to **eggs that one boiled and a chick was found in one of them, if they have** a ratio that allows the chick to **impart flavor to them, they are all forbidden, it may be inferred that** in **the first clause we are dealing with** an egg **that does not have a chick inside.**

פֵּירוּשֵׁי קָא מְפָרֵשׁ, בֵּיצִים טְהוֹרוֹת שֶׁשְּׁלָקָן עִם בֵּיצִים טְמֵאוֹת, אִם יֵשׁ בָּהֶן בְּנוֹתֵן טַעַם – כּוּלָּן אֲסוּרוֹת, כֵּיצַד, כְּגוֹן שֶׁשְּׁלָקָן וְנִמְצָא אֶפְרוֹחַ בְּאַחַת מֵהֶן.

The Gemara explains that this is an incorrect inference, as the latter clause **is explaining** the first clause, so that the *baraita* should be read as follows: With regard to **kosher eggs that one boiled with non-kosher eggs, if they have** a ratio that allows the non-kosher eggs to **impart flavor** to the kosher eggs, **they are all forbidden. How** so? It can be referring to a case **where one boiled them and a chick was found in one of them.**

הָכִי נַמִּי מִסְתַּבְּרָא, דְּאִי סָלְקָא דַּעְתָּךְ: רֵישָׁא דְּלֵית בָּהּ אֶפְרוֹחַ, הָשְׁתָּא דְּלֵית בָּהּ אֶפְרוֹחַ – אֲסוּרָה, דְּאִית בָּהּ אֶפְרוֹחַ מִיבָּעֵיָא!

The Gemara adds: **So too it is reasonable** to explain the *baraita* in this manner, **as if** it would **enter your mind** to say that **the first clause** is referring to a case **where there is no chick in** the egg, the latter clause is redundant: **Now** that the *tanna* has taught that in a case **where there is no chick inside,** the non-kosher egg imparts flavor to the kosher eggs and renders them **forbidden, is** it **necessary** for the *tanna* to teach that an egg **that has a chick inside** imparts flavor to the kosher eggs?

אִי מִשּׁוּם הָא – לָא אִירְיָא, תָּנָא סֵיפָא לְגַלּוּיֵי רֵישָׁא, שֶׁלֹּא תֹּאמַר: רֵישָׁא – דְּאִית בָּהּ אֶפְרוֹחַ, אֲבָל לֵית בָּהּ אֶפְרוֹחַ – שָׁרֵיָא, תָּנָא סֵיפָא דְּאִית בָּהּ אֶפְרוֹחַ, מִכְּלָל דִּרֵישָׁא – דְּלֵית בָּהּ אֶפְרוֹחַ, וַאֲפִילּוּ הָכִי אֲסִירָא.

The Gemara rejects this argument: **If it is due to that** reason, **there is no** conclusive **argument,** i.e., the proof of the argument is inconclusive. The reason is that one can say that the *tanna* **taught the latter clause to reveal** the meaning of **the first clause.** The latter clause was stated so **that you would not** mistakenly **say** that **the first clause** is referring only to a case **where** the egg **has a chick inside, but** if **there is no chick inside** the kosher eggs would be **permitted.** Therefore, the *tanna* **teaches the latter clause** and specifies **that** it is referring to an egg **that has a chick inside. By inference the first clause** is referring to a case of an egg **that does not have a chick inside, and even so it** renders all of the other eggs **forbidden.**

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הַהוּא כְּזֵיתָא תַּרְבָּא דְּנָפַל בְּדִיקוּלָא דְּבִשְׁרָא, סְבַר רַב אַסִי לְשַׁעוּרֵיהּ בְּמַאי דְּבָלַע דִּיקוּלָא. אָמְרִי לֵיהּ רַבָּנַן לְרַב אַשִׁי: אַטּוּ דְּהֵיתְרָא בָּלַע, דְּאִיסּוּרָא לָא בָּלַע?

§ The Gemara continues discussing the nullification of forbidden foods. There was once **a certain olive-bulk** of forbidden **fat that fell into a pot**[N] **of** kosher **meat. Rav Asi thought to measure**[N] the volume of the kosher meat together **with that which the pot had absorbed. The Rabbis said to Rav Ashi: Is that to say that** the pot **absorbed** the **permitted** meat but **did not absorb** the **forbidden** fat?

הַהוּא פַּלְגָּא דְּזֵיתָא דְּתַרְבָּא דְּנָפַל בְּדִיקוּלָא דְּבִשְׁרָא, סְבַר מָר בַּר רַב אַשִׁי לְשַׁעוּרֵיהּ בִּתְלָתִין פַּלְגֵי דְּזֵיתָא. אֲמַר לֵיהּ אֲבוּהּ: לָאו אֲמִינָא לָךְ לָא תְּזַלְזֵל בְּשִׁיעוּרִין דְּרַבָּנַן? וְעוֹד, הָאֲמַר רַבִּי יוֹחָנָן: חֲצִי שִׁיעוּר אָסוּר מִן הַתּוֹרָה.

The Gemara relates a similar incident: There was once **a certain half-olive-bulk of** forbidden **fat**[H] **that fell into a pot of** kosher **meat. Mar bar Rav Ashi thought to measure** the amount of kosher meat needed to nullify the forbidden fat as **thirty half-olive-bulks,** rather than sixty. **His father,** Rav Ashi, **said to him: Have I not told you: Do not** treat **measures lightly** even with regard to **rabbinic** prohibitions? **And furthermore, didn't Rabbi Yoḥanan say: A half-measure** is **prohibited by Torah** law?[H] Consequently, the half-olive-bulk of forbidden fat is nullified only in sixty times its volume of permitted meat.

אָמַר רַב שֶׁמֶן בַּר אַבָּא, אָמַר רַב אִידִי בַּר אִידִי בַּר גֵּרְשֹׁם, אָמַר לֵוִי בַּר פְּרָטָא, אָמַר רַבִּי נַחוּם, אָמַר רַבִּי בִּירִיָּם מְשׁוּם זָקֵן אֶחָד וְרַבִּי יַעֲקֹב שְׁמֵיהּ, דְּבֵי נְשִׂיאָה אָמְרוּ: בֵּיצָה, בְּשִׁשִּׁים – אֲסוּרָה, בְּשִׁשִּׁים וְאַחַת – מוּתֶּרֶת.

§ The Gemara continues its discussion of nullifying forbidden foods. **Rav Shemen bar Abba says** that **Rav Idi bar Idi bar Gershom says** that **Levi bar Perata says** that **Rabbi Naḥum says** that **Rabbi Biryam**[P] **says in the name of a certain elder, and his name was Rabbi Ya'akov,** that the Sages **in the house of the *Nasi* said:** If a non-kosher **egg** is mixed **with** kosher eggs, if there are **sixty** eggs they are all **forbidden,** but if there are **sixty-one** eggs they **are** all **permitted.**

אָמַר רַבִּי זֵירָא לְרַב שֶׁמֶן בַּר אַבָּא: רְאֵה שֶׁאַתָּה מַטִּיל בָּהּ גְּבוּל הֶיתֵּר, שְׁנֵי גְדוֹלֵי הַדּוֹר לֹא פֵּירְשׁוּ אֶת הַדָּבָר. רַבִּי יַעֲקֹב בַּר אִידִי וְרַבִּי שְׁמוּאֵל בַּר נַחְמָנִי, תַּרְוַיְיהוּ מִשְּׁמֵיהּ דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמְרִי: בֵּיצָה, בְּשִׁשִּׁים – אֲסוּרָה, בְּשִׁשִּׁים וְאַחַת – מוּתֶּרֶת.

Rabbi Zeira said to Rav Shemen bar Abba: See, one can infer from your words **that you fix a limit** to **permit** the eggs if there is a total of sixty-one eggs, including the non-kosher egg. This is a revelation, **because the two** most **eminent** Sages **of the generation did not clarify this matter.** These two eminent Sages were **Rabbi Ya'akov bar Idi and Rabbi Shmuel bar Naḥmani,** and **both of them said in the name of Rabbi Yehoshua ben Levi:** In a case where a non-kosher **egg** is mixed **with** kosher eggs, if there are **sixty** eggs they are all **forbidden,** but if there are **sixty-one** eggs they **are** all **permitted.**

וְאִיבַּעְיָא לְהוּ: בְּשִׁשִּׁים וְאַחַת, בַּהֲדֵי דִּידָהּ, אוֹ דִּילְמָא לְבַר מִינָּהּ? וְלָא פְּשֵׁיט, וּמָר פָּשֵׁיט לָהּ מִפְּשַׁט!

And a dilemma was raised before these Sages: When Rabbi Yehoshua ben Levi said they are permitted if there are **sixty-one** eggs, does that mean there are **sixty-one** eggs altogether, **with the** non-kosher egg, **or** does it **perhaps** mean that there must be sixty-one kosher eggs **aside from** the non-kosher egg? **And** they **did not resolve** this dilemma. **And** yet, it appears as though **the Master,** Rav Shemen, has **resolved** the dilemma, because you implied that the mixture is kosher if there are a total of sixty-one eggs including the non-kosher egg.

אִתְּמַר, אָמַר רַבִּי חֶלְבּוֹ, אָמַר רַב הוּנָא: בֵּיצָה, בְּשִׁשִּׁים וְהִיא – אֲסוּרָה, בְּשִׁשִּׁים וְאַחַת וְהִיא – מוּתֶּרֶת.

The Gemara continues: It **was stated** that **Rabbi Ḥelbo says** that **Rav Huna says:** If a non-kosher **egg** becomes mixed **with** kosher eggs, if there are **sixty** kosher eggs in addition to **that** non-kosher egg,[H] the entire mixture is **forbidden.** But if there are **sixty-one** kosher eggs in addition to **that** one non-kosher egg, the mixture is **permitted.**[N]

NOTES

Into a pot [*dikula*] – בְּדִיקוּלָא: Some explain that *dikula* refers to a pot (Rashi). Others explain that it is referring to a basket in which meat is salted. According to the latter explanation, in this case the meat was salted with its forbidden fat, and the Gemara is in accordance with the opinion that such meat is forbidden unless there is sixty times the volume because the fat permeates throughout the meat (Ran). Others explain that it is referring to a basket containing hot meat, and the fat spreads from one piece of meat to another even without broth connecting them (*Tosafot* on 100a).

Rav Asi thought to measure – סְבַר רַב אַסִי לְשַׁעוּרֵיהּ: The text of this line is emended in *Masoret HaShas* to read: Rav Ashi, instead of Rav Asi. This is consistent with the continuation of the paragraph.

An egg with sixty, that is forbidden; sixty-one, that is permitted – בֵּיצָה בְּשִׁשִּׁים וְהִיא אֲסוּרָה בְּשִׁשִּׁים וְאַחַת וְהִיא מוּתֶּרֶת: The Sages were more stringent with eggs than with other prohibited foods because eggs come in different sizes, and one could easily err when measuring sixty times the volume. Others write that the reason for the added stringency is because an egg has the status of an entity, and therefore the Sages were stringent to require an extra one (Rambam).

PERSONALITIES

Rabbi Biryam – רַבִּי בִּירִיָּם: Rabbi Biryam was a third-generation *amora* from Eretz Yisrael. There are different versions of his name: Biryas, Biryam, and Birayim. It appears that it is a Greek name, perhaps connected to the word for the north wind, Βορέας, *Boreas*. He cites statements of *amora'im* who preceded him and occasionally cites the later *tanna'im* as well.

HALAKHA

Half-olive-bulk of forbidden fat – פַּלְגָּא דְּזֵיתָא דְּתַרְבָּא: If a half-olive-bulk of non-kosher food fell into a pot of kosher food, there must be a volume of sixty half-olive-bulks, i.e., thirty olive-bulks, of kosher food to nullify it. The reason is that a half-measure is prohibited by Torah law. Nevertheless one does not receive lashes for eating a half-measure (*Shakh*). This ruling is in accordance with the opinion of Rav Ashi (*Shulḥan Arukh*, *Yoreh De'a* 98:6).

A half-measure is prohibited by Torah law – חֲצִי שִׁיעוּר אָסוּר מִן הַתּוֹרָה: Although the Torah prohibits the consumption of any amount of forbidden food, one does not receive lashes unless he consumes at least one olive-bulk. If he consumes less than this amount he is liable to receive lashes for rebelliousness (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:2, and see Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 2:3; *Shulḥan Arukh*, *Yoreh De'a* 98:6).

An egg with sixty in addition to that egg – בֵּיצָה בְּשִׁשִּׁים וְהִיא: An egg that contains a chick or a drop of blood renders the entire contents of the pot forbidden, even if the egg is still in its shell. Therefore if the egg was cooked with other eggs, there must be sixty-one other eggs in the pot to nullify it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:19; *Shulḥan Arukh*, *Yoreh De'a* 86:5).

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הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרַבָּן גַּמְלִיאֵל בַּר רַבִּי, אֲמַר לֵיהּ: אַבָּא לֹא שִׁיעֵר בְּאַרְבָּעִים וְשָׁבַע, וַאֲנִי אֲשַׁעֵר בְּאַרְבָּעִים וְחָמֵשׁ.

§ There was **a certain** person **who came before Rabban Gamliel bar Rabbi** Yehuda HaNasi with a half-olive-bulk of non-kosher food that had been mixed with a larger amount of kosher food. Rabban Gamliel **said to him:** A similar case came before my **father,** and even though he **did not measure**[N] the kosher food as being sixty times the volume of the non-kosher food, he nevertheless permitted the mixture due to the fact that there was **forty-seven** times as much kosher food as non-kosher food. **And** similarly, **I will** permit the mixture because I **measure** that the kosher food is **forty-five** times the volume of the non-kosher food.

הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרַבִּי שִׁמְעוֹן בַּר רַבִּי, אֲמַר לֵיהּ: אַבָּא לֹא שִׁיעֵר בְּאַרְבָּעִים וְחָמֵשׁ, וַאֲנִי אֲשַׁעֵר בְּאַרְבָּעִים וְשָׁלֹשׁ.

Similarly there was **a certain** person **who came before Rabbi Shimon bar Rabbi** Yehuda HaNasi with a mixture of kosher and non-kosher food. Rabbi Shimon **said to him:** A similar case came before my **father,** and even though he **did not measure** the kosher food as being sixty times the volume of the non-kosher food, he nevertheless permitted the mixture due to the fact that there was **forty-five** times as much kosher food as non-kosher food. **And** similarly, **I will** permit the mixture because I **measure** that the kosher food is **forty-three** times the volume of the non-kosher food.

הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרַבִּי חִיָּיא, אֲמַר לֵיהּ: כְּלוּם יֵשׁ שְׁלֹשִׁים?

There was **a certain** man **who came before Rabbi Ḥiyya** with a mixture of kosher and non-kosher food. Rabbi Ḥiyya **said to him: Is there** even **thirty** times the volume of permitted food as forbidden food? Clearly, the mixture is forbidden.

טַעֲמָא – דְּלֵיכָּא שְׁלֹשִׁים, הָא אִיכָּא שְׁלֹשִׁים – מְשַׁעֲרִין! אֲמַר רַבִּי חֲנִינָא: גּוּזְמָא.

The Gemara seeks to clarify: This indicates that **the reason** that he prohibited the mixture is **that there was not thirty** times as much kosher food as non-kosher food. **But** it may then be inferred that if **there is thirty** times as much kosher food as non-kosher food, one may **assess,** i.e., permit, the mixture. And this contradicts the *halakha* that non-kosher food is nullified only in a mixture containing sixty times as much kosher food as non-kosher food. **Rabbi Ḥanina said:** Rabbi Ḥiyya did not make this statement to set a halakhic principle, but merely as **an exaggeration.** There was not even thirty times the volume of kosher food, so it was obvious that the mixture was forbidden.

אָמַר רַבִּי חִיָּיא בַּר אַבָּא, אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מִשּׁוּם בַּר קַפָּרָא: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה – בְּשִׁשִּׁים. אָמַר לְפָנָיו רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק: רַבִּי, אַתָּה אוֹמֵר כֵּן? הָכִי אָמַר רַב אַסִּי, אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי מִשּׁוּם בַּר קַפָּרָא: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה – בְּמֵאָה.

§ **Rabbi Ḥiyya bar Abba says** that **Rabbi Yehoshua ben Levi says in the name of bar Kappara: All** the **forbidden** foods **in the Torah** are nullified when they are mixed **with** kosher food that is **sixty** times their volume. **Rabbi Shmuel bar Rav Yitzḥak said before** Rabbi Ḥiyya bar Abba: **My teacher, you say this** citing Rabbi Yehoshua ben Levi, who said that bar Kappara said it. But **this is what Rav Asi says** that **Rabbi Yehoshua ben Levi says in the name of bar Kappara: All** the **forbidden** foods **in the Torah** are nullified when they are mixed **with** kosher food that is **one hundred** times their volume.

וּשְׁנֵיהֶם לֹא לָמְדוּהָ אֶלָּא מִ"זְרוֹעַ בְּשֵׁלָה", דִּכְתִיב: "וְלָקַח הַכֹּהֵן אֶת הַזְּרֹעַ בְּשֵׁלָה" וגו', וְתַנְיָא: "בְּשֵׁלָה",

The Gemara adds: **And both of them learned** their principles of nullification **only from** the term: **"Cooked foreleg," as it is written** with regard to the nazirite's ram: **"And the priest shall take the cooked foreleg** of the ram" (Numbers 6:19). **And it is taught** in a *baraita*: The verse states: **"Cooked,"**

NOTES

My father did not measure, etc. – אַבָּא לֹא שִׁיעֵר וכו': Rashi cites two explanations of this passage. His first explanation is that Rabbi Yehuda HaNasi permitted the mixture even though the kosher food was less than sixty times the volume of the non-kosher food due to the fact that there was less than an olive-bulk of non-kosher food. Similarly, Rabban Gamliel permitted a mixture that contained less than an olive-bulk of non-kosher food that had been mixed with forty-five times its volume of kosher food, even though the ratio of kosher food to non-kosher food was slightly lower than the ratio in the mixture that Rabbi Yehuda HaNasi had permitted.

Rashi's second explanation is that Rabban Gamliel was speaking rhetorically and saying: My father did not permit a mixture of non-kosher food with forty-seven times its volume of kosher food; shall I permit a mixture that contains only forty-five times as much kosher food as non-kosher food? According to this explanation, the case can be one in which there was a full olive-bulk of kosher food. The Gemara's next case involving Rabbi Shimon bar Rabbi Yehuda HaNasi can also be interpreted according to both of these explanations.

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אֵין ״בְּשֵׁלָה״ אֶלָּא שְׁלֵימָה. רַבִּי שִׁמְעוֹן בֶּן יוֹחַאי אוֹמֵר: אֵין ״בְּשֵׁלָה״ אֶלָּא שֶׁנִּתְבַּשְּׁלָה עִם הָאַיִל.

and the term "**cooked**" indicates that the verse is referring **only** to a foreleg that is **whole. Rabbi Shimon ben Yoḥai** disagrees and **says:** The term "**cooked**" indicates that the verse is referring **only** to a foreleg **that is cooked with the** entire **ram.**

דְּכוּלֵי עָלְמָא: בַּהֲדֵי אַיִל מְבַשֵּׁל לָהּ, מָר סָבַר: מְחַתֵּךְ לָהּ וַהֲדַר מְבַשֵּׁל לָהּ, וּמָר סָבַר: מְבַשֵּׁל לָהּ וַהֲדַר מְחַתֵּךְ לָהּ.

The Gemara clarifies their dispute: **Everyone** agrees that **one cooks** the foreleg **with the** rest of the **ram.** But one **Sage holds** that one first **cuts** the foreleg off the animal **and then cooks it** along with the rest of the animal. **And** one **Sage,** Rabbi Shimon bar Yoḥai, **holds** that one first **cooks** the entire ram **and then cuts** off the foreleg.

וְאִי בָּעֵית אֵימָא, דְּכוּלֵי עָלְמָא – מְחַתֵּךְ לָהּ וַהֲדַר מְבַשֵּׁל לָהּ. מֵיהוּ, מָר סָבַר: בַּהֲדֵי אַיִל מְבַשֵּׁל לָהּ, וּמָר סָבַר: בִּקְדֵרָה אַחֶרֶת מְבַשֵּׁל לָהּ.

And if you wish, say that everyone agrees that one first **cuts** off the foreleg **and then cooks it. But** one **Sage,** Rabbi Shimon bar Yoḥai, **holds** that one **cooks** the foreleg **with** the rest of **the ram, and** one **Sage holds** that he **cooks** the foreleg **in another pot,** separate from the rest of the ram.

לְלִישָׁנָא קַמָּא – אַלִּיבָּא דְּדִבְרֵי הַכֹּל, לְלִישָׁנָא בַּתְרָא – אַלִּיבָּא דְּרַבִּי שִׁמְעוֹן בֶּן יוֹחַאי.

The foreleg of the nazirite's ram is permitted to be eaten only by a priest, whereas the rest of the ram is eaten by the nazirite even if he is not a priest. Consequently, **according to the first formulation, all agree** that the principle of nullification may be derived from here, since all agree that the foreleg is cooked together with the rest of the ram, and yet it does not cause the rest of the ram to be forbidden to a non-priest. **According to the latter formulation,** the principle of nullification may be derived from here **in accordance with** the opinion **of Rabbi Shimon ben Yoḥai,** who says that the foreleg is cooked together with the rest of the ram. But according to the latter formulation the first *tanna* holds that the foreleg is not cooked with the rest of the ram, in which case the principle of nullification cannot be derived from here.

מַאן דַּאֲמַר בְּשִׁשִּׁים, סָבַר: בָּשָׂר וַעֲצָמוֹת בַּהֲדֵי בָּשָׂר וַעֲצָמוֹת מְשַׁעֲרִינַן, וְהָוֶה לֵיהּ בְּשִׁשִּׁים. מַאן דַּאֲמַר בְּמֵאָה, סָבַר: בָּשָׂר בַּהֲדֵי בָּשָׂר מְשַׁעֲרִינַן, וְהָוֶה לֵיהּ בְּמֵאָה.

The Gemara now returns to the dispute about whether non-kosher food is nullified in sixty or one hundred times its volume of kosher food, and explains how each opinion is derived from the *halakha* of the foreleg of the nazirite's ram. **The one who said** that non-kosher food is nullified **in sixty** times its volume of kosher food **holds** that **we assess** the ratio of **meat and bones** of the foreleg **to** the **meat and bones**[H] of the rest of the ram, **and this is** a ratio of one to **sixty. The one who said** that non-kosher food is nullified **in one hundred** times its volume of kosher food **holds** that **we assess** only the volume of the **meat** of the foreleg **to** the **meat**[N] of the rest of the ram, **and this is** a ratio of one **to one hundred.**

וּמִי יָלְפִינַן מִינָּהּ? וְהָתַנְיָא: וְהוּ הֱיתֵר הַבָּא מִכְּלַל אִיסּוּר, ״זֶהוּ״ לְמַעוּטֵי מַאי – לָאו לְמַעוּטֵי כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה?

The Gemara asks: **And do we derive** the principles of nullification **from** the case of the nazirite's ram? **But isn't it taught** in a *baraita* with regard to the nazirite's ram, which absorbs the flavor of the foreleg with which it was cooked: **This is** a case of **permitted** meat **that comes from the category** of **forbidden** food, i.e., it is permitted despite the fact that it was cooked with forbidden food. The Gemara infers: **What** does the expression: **This is,** in the *baraita* serve **to exclude?** Does it **not** serve **to exclude all** the other **forbidden** foods **that are in the Torah?** This indicates that only the cooked foreleg of the nazirite's ram is nullified in sixty or one hundred times its volume of permitted food, but other prohibited foods are not subject to the principle of nullification.

אֲמַר אַבָּיֵי: לָא נִצְרְכָא אֶלָּא לְרַבִּי יְהוּדָה, דַּאֲמַר: מִין בְּמִינוֹ – לָא בָּטֵיל, קָא מַשְׁמַע לָן: דְּהָכָא בָּטֵיל.

The Gemara answers that **Abaye said:** This emphasis **is necessary only according to** the opinion of **Rabbi Yehuda, who said** that in general, **a type** of food mixed **with** food of **its** own **type is not nullified.** Therefore the *baraita* **teaches us that here,** the flavor imparted by the foreleg to the rest of the nazirite's ram is **nullified.**

HALAKHA

We assess the ratio of meat and bones to meat and bones – בָּשָׂר וַעֲצָמוֹת בַּהֲדֵי בָּשָׂר וַעֲצָמוֹת מְשַׁעֲרִינַן: The Sages derive that forbidden food is nullified in sixty times its volume from the case of the foreleg of the nazirite's ram, which is one-sixtieth of the rest of the ram, as it is cooked with it in the same pot but does not render the rest of the ram forbidden to a non-priest. This is based on the verse: "And the priest shall take the cooked foreleg of the ram, and one cake of *matza* out of the basket, and one *matza* wafer, and shall put them upon the hands of the nazirite, after he has shaved his consecrated head" (Numbers 6:19). This ruling is in accordance with the Rabbi Ḥiyya bar Abba's tradition of the opinion of Rabbi Yehoshua ben Levi citing bar Kappara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:21).

NOTES

We assess the volume of the meat to the meat – בָּשָׂר בַּהֲדֵי בָּשָׂר מְשַׁעֲרִינַן: The early commentaries discuss why this opinion does not state that the volume of the permitted meat is assessed together with the volume of the permitted bones in nullifying the foreleg. They explain that this opinion holds that the bones do not combine with the meat to nullify the foreleg. By contrast, the first opinion disagrees and holds that the permitted bones are also included in the calculation for nullification.

The commentaries also discuss a statement in the Jerusalem Talmud (*Terumot* 5:3) that shells of *orla* produce combine with the permitted food to nullify the prohibited food. This appears to contradict the Gemara here that all agree that the forbidden inedible portions, such as bones, do not combine with the permitted portions to nullify the foreleg. Some say that the Gemara here disagrees with the Jerusalem Talmud, and holds that prohibited bones and shells do not combine with the permitted food to nullify the prohibited food. Since they themselves are forbidden they cannot nullify prohibited items (Ramban; Rashba). Others say that the bones that are soft and contain marrow, such as those of the foreleg, are treated as meat. Therefore, they must also be nullified along with the rest of the foreleg. But bones that are dry and do not contain marrow are assessed together with the permitted food (Ran; Ra'ah; Ritva).

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BACKGROUND

Of the blood of the bull and of the blood of the goat – מִדַּם הַפָּר וּמִדַּם הַשָּׂעִיר: On Yom Kippur, the High Priest offers a bull as a sin offering for himself, his family, and all the members of the priesthood (Leviticus 16:3, 6). The bull's slaughter, the burning of its flesh, and the sprinkling of its blood resemble the procedures employed for the bulls that are burned outside Jerusalem. In contrast to those, its blood is also sprinkled between the staves of the Holy Ark in the Holy of Holies. The blood of this bull is first sprinkled on its own; afterward it is mixed with the blood of the goat sacrificed as a sin offering for the entire people, and the mixture is sprinkled on the golden incense altar.

וְלִיגְמַר מִינֵּיהּ! גַּלֵּי רַחֲמָנָא "וְלָקַח מִדַּם הַפָּר וּמִדַּם הַשָּׂעִיר" – תַּרְוַיְיהוּ בַּהֲדֵי הֲדָדֵי נִינְהוּ, וְלָא בָּטְלִי.

The Gemara objects: **Let** Rabbi Yehuda **learn from this** case that all forbidden food can be nullified when it is mixed with permitted food of its own type. The Gemara explains: **The Merciful One revealed** in the Torah: **"And he shall take of the blood of the bull and of the blood of the goat**[B] and put it upon the corners of the altar round about" (Leviticus 16:18). **Both of** these two bloods **are** mixed **with each other, and** although a bull has more blood than a goat has, the verse makes reference to the blood of the goat, indicating that it maintains its own identity and is **not nullified.**

וּמַאי חָזֵית דְּגָמְרִית מֵהָאֵיךְ, לִיגְמַר מֵהַאי? חִדּוּשׁ הוּא, וּמֵחִדּוּשׁ לָא גָּמְרִינַן.

The Gemara asks: **And** according to Rabbi Yehuda, **what did you see that** caused **you** to **derive** a principle **from that** verse with regard to the blood of the bull and the blood of the goat? **Derive** a principle **from this** verse about the foreleg of the nazirite's ram. The Gemara answers: The case of the nazirite's ram **is a novelty,** because even when nullification does apply one may not nullify a forbidden food *ab initio*, whereas here one is supposed to cook the foreleg together with the rest of the ram; **and we do not learn** principles **from a novelty.**

אִי הָכִי, לְמֵאָה וְשִׁשִּׁים נַמִּי לָא לִיגְמַר!

The Gemara challenges: **If so,** if Rabbi Yehuda does not consider the case of the nazirite's ram a viable precedent for general halakhic principles, then **let him also not learn** from that case that when forbidden food is mixed with permitted food of a different type, it is nullified **in** either **one hundred or sixty** times its own volume. As discussed above, the two opinions in this regard are each based on the case of the nazirite's ram.

אַטּוּ אֲנַן לְקוּלָּא גָּמְרִינַן, לְחוּמְרָא גָּמְרִינַן, דְּמִדְאוֹרַיְיתָא – בִּרוּבָּא בָּטֵיל.

The Gemara explains: **Is that to say** that **we learn** that forbidden food is nullified in sixty or one hundred times its volume of permitted food as **a leniency? We learn it** only as **a stringency, as** if it were not for this derivation, we would say that **by Torah law** forbidden food **is nullified in** a mixture in which there is a simple **majority** of permitted food.

רָבָא אָמַר: לָא נִצְרְכָא אֶלָּא לְטַעַם כְּעִיקָּר, דִּבְקָדָשִׁים אָסוּר, קָא מַשְׁמַע לָן דְּהָכָא שָׁרֵי.

Rava stated an alternative explanation of the term: This is, which appears in the *baraita* with regard to the nazirite's ram: This limitation **is necessary only for** the principle that the halakhic status of the **flavor** of forbidden food is **like** that of its **substance.** If the flavor of **sacrificial** food is absorbed into another food, it renders that food **forbidden,** i.e., it is not nullified. Therefore, the *baraita* **teaches us that here,** in the case of the nazirite's ram, the rest of the ram is **permitted** even to non-priests.

Perek **VII**
Daf **99** Amud **a**

וְלִיגְמַר מִינֵּיהּ! גַּלֵּי רַחֲמָנָא גַּבֵּי חַטָּאת "כֹּל אֲשֶׁר יִגַּע בִּבְשָׂרָהּ יִקְדָּשׁ", לִהְיוֹת כָּמוֹהָ, שֶׁאִם פְּסוּלָה – תִּפָּסֵל, וְאִם כְּשֵׁרָה – תֵּאָכֵל כְּחָמוּר שֶׁבָּהּ.

The Gemara objects: **Let** us **learn from** the case of the nazirite's ram that the flavor of sacrificial food can be nullified. The Gemara explains: **The Merciful One revealed** in the Torah **with regard to the sin offering: "Whatever shall touch its flesh shall be holy"** (Leviticus 6:20). This teaches that the halakhic status of any food that touches and absorbs flavor from a sin offering **becomes like it, so** that **if** the sin offering **is disqualified,**[H] this food **shall** also **be disqualified, and if** the sin offering is **valid,** this food may be **eaten in accordance with the stringencies** that apply to a sin offering.

HALAKHA

Becomes like it so that if it is disqualified, etc. – לִהְיוֹת כָּמוֹהָ שֶׁאִם פְּסוּלָה וכו': The verse states with regard to a sin offering: "Anything that shall touch its flesh shall become consecrated; and when its blood is sprinkled upon any garment, you shall wash that where it was sprinkled in a holy place" (Leviticus 6:20). This teaches that the halakhic status of any food that touched or absorbed the flavor of the offering becomes like that of the sin offering itself. Therefore, if the sin offering is disqualified, this food item will also be disqualified. And if the sin offering is valid, the item that touched it may be eaten in accordance with the more stringent standards of a sin offering with regard to when and where it may be eaten (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 8:15).

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וּמַאי חָזֵית דְּגָמְרִינַן מֵהָתָם, לִיגְמַר מֵהַאי! חִדּוּשׁ הוּא, וּמֵחִדּוּשׁ לָא גָּמְרִינַן.

The Gemara asks: **And what did you see** to indicate **that we learn** the principle of nullification concerning sacrificial food **from that** verse of the sin offering? **Derive it** instead **from this** verse concerning the foreleg of the nazirite's ram. The Gemara answers: **This** case of the nazirite's ram **is a novelty, and we do not learn** principles **from a novelty.**[N]

אִי הָכִי, לְמֵאָה וְשִׁשִּׁים נַמִּי לָא לִיגְמַר! אַטּוּ אֵינָן לְקוּלָּא קָא גָּמְרִינַן?! לְחוּמְרָא קָא גָּמְרִינַן, דְּמִדְּאוֹרַיְיתָא – בְּרוּבָּא בָּטֵיל.

The Gemara objects: **If so,** if the case of the nazirite's ram is not a viable precedent for general halakhic principles, then **one should also not learn** from that case that when forbidden food is mixed with permitted food of a different type, it is nullified in either **one hundred or sixty** times its own volume. As discussed above, the two opinions in this regard are both based on the case of the nazirite's ram. The Gemara responds: **Is that to say** that **we learn** that forbidden food is nullified in sixty or one hundred times its volume of permitted food as **a leniency? We learn it** only as **a stringency, as** if it were not for this derivation, one would say that **by Torah law** forbidden food **is nullified in** a mixture in which there is a simple **majority** of permitted food.

רָבִינָא אָמַר: לָא נִצְרְכָא אֶלָּא לִמְקוֹם חֲתָכָהּ, דַּאֲמַר: מְקוֹם חֲתָכָהּ בְּעָלְמָא אָסוּר, וְהָכָא שָׁרֵי.

Ravina said an alternative explanation of the term: This is, that appears in the *baraita* with regard to the nazirite's ram. This limitation **is necessary only for the place** where the foreleg is **cut** from the body of the ram, **as** it was **said** that in a case where permitted and forbidden foods were attached and one cut the forbidden section from the permitted section, **the place of the cut** on the permitted part **is generally forbidden. But here,** in the case of the nazirite's ram, **it is permitted.**

יָתִיב רַב דִּימִי וְקָאָמַר לָהּ לְהָא שְׁמַעְתָּא.

§ The Gemara returns to discussing the statement of Rabbi Shmuel bar Rav Yitzḥak (98a) that forbidden food is nullified in a mixture only if there is one hundred times its volume of permitted food. **Rav Dimi sat and said this *halakha*.**

אֲמַר לֵיהּ אַבַּיֵי: וְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה בְּמֵאָה? וְהָתְנַן: לָמָּה אָמְרוּ כָּל הַמְחַמֵּץ וּמְתַבֵּל וּמְדַמֵּעַ לְהַחְמִיר – מִין וּמִינוֹ, לְהָקֵל וּלְהַחְמִיר – מִין וְשֶׁאֵינוֹ מִינוֹ,

Abaye said to him: And is it true that **all the forbidden** foods **in the Torah** that are mixed with permitted foods are nullified only **in** a mixture containing **one hundred** times their volume of permitted food? **But didn't we learn** in a mishna (*Orla* 2:6): **Why did** the Sages **say** that with regard to **anyone who leavens** non-sacred food with a leavening agent that is *teruma* **or flavors** it with spices of *teruma* **or mixes** *teruma* into non-sacred food, thereby making the food forbidden for non-priests, the *halakha* is **to be stringent** if he mixed one **type** of food that is *teruma* with non-sacred food of the same **type.** But the *halakha* is **to be lenient and to be stringent** if he mixed one **type** of *teruma* with non-sacred food of **a different type.**

וְקָתָנֵי סֵיפָא: לְהָקֵל וּלְהַחְמִיר מִין וְשֶׁאֵינוֹ מִינוֹ, כֵּיצַד – גְּרִיסִין שֶׁנִּתְבַּשְּׁלוּ עִם הָעֲדָשִׁים, אִם יֵשׁ בָּהֶם בְּנוֹתֵן טַעַם, בֵּין יֵשׁ בָּהֶן לְהַעֲלוֹת בְּמֵאָה וְאֶחָד, בֵּין אֵין בָּהֶן לְהַעֲלוֹת בְּמֵאָה וְאֶחָד – אָסוּר.

And it is taught in the latter clause, i.e., in the following mishna (*Orla* 2:7): When it is stated that the *halakha* is **to be lenient and to be stringent** if he mixed one **type** of *teruma* with non-sacred food **not** of **its type,**[H] **how** is this accomplished? For example, in a case of **split beans**[B] of *teruma* that were cooked **with** non-sacred **lentils,**[B] **if there are** enough split beans relative to the lentils to **impart flavor** to the lentils, then regardless of **whether there are** enough lentils **to neutralize** the split beans **in one hundred and one** times their volume, i.e., the volume of the lentils is one hundred and one times the volume of the split beans, or **whether there are not** enough lentils **to neutralize** the split beans **in one hundred and one** times their volume, the entire mixture is **forbidden** to a non-priest.

NOTES

This is a novelty and we do not learn from a novelty – חִדּוּשׁ הוּא וּמֵחִדּוּשׁ לָא גָּמְרִינַן: The concept of a novelty is defined by the early commentaries as any case that contains some unusual element not found in other prohibitions (Rashi on *Pesaḥim* 44b). In addition, one would have thought to act in such a case in the opposite manner than that which the Torah teaches (*Noda BiYehuda*).

BACKGROUND

Split beans – גְּרִיסִין: The Sages interpreted this term as referring to the split Cilician bean, known today as the broad bean or fava bean. Beans were often split in two along their seams in preparation for cooking. A split bean was also a convenient measure for a small area, such as that of a mark or a stain, since the interior side was smooth and could be laid down flat on the skin or a piece of cloth. Among contemporary halakhic authorities, the area of a broad bean is held to be equal to that of a circle between 19 and 21 mm in diameter.

Lentils – עֲדָשִׁים: The lentils referred to by the Gemara are generally red lentils. Due to the availability and fixed size of lentils, they were used as a measure of area.

HALAKHA

One type with food not of its type – מִין וְשֶׁאֵינוֹ מִינוֹ: If a *se'a* of *teruma* of one type falls into less than one hundred times its volume of non-sacred food of a different type, the entire food has the status of *teruma* if the *teruma* imparts flavor. In that case, the food must be sold to a priest except for the *teruma* that is mixed in, which is a gift to him. If the mixture has no flavor from the *teruma*, it is all permitted to be eaten by non-priests. This ruling is in accordance with the mishna in tractate *Orla* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 13:2).

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אֵין בָּהֶן בְּנוֹתֵן טַעַם, בֵּין שֶׁיֵּשׁ בָּהֶן לְהַעֲלוֹת בְּמֵאָה וְאֶחָד, בֵּין אֵין בָּהֶן לְהַעֲלוֹת בְּמֵאָה וְאֶחָד – מוּתָּר.

Conversely, if **there are not** enough split beans of *teruma* to **impart flavor** to the lentils, then regardless of **whether there are** enough lentils **to neutralize** the split beans **in one hundred and one** times their volume, or **whether there are not** enough lentils **to neutralize** the split beans **in one hundred and one** times their volume, the mixture is **permitted** even to a non-priest.

אֵין בָּהֶן לְהַעֲלוֹת בְּמֵאָה וְאֶחָד אֶלָּא בְּמַאי – לָאו בְּשִׁשִּׁים?

Abaye commented: When the mishna says that **there are not** enough lentils **to neutralize** the split beans **in one hundred and one** times their volume, and nevertheless if the split beans did not impart flavor to the lentils, the mixture is permitted, **in what** amount of lentils are the split beans nullified? Is it **not** that the split beans are permitted because they are mixed **with sixty** times their volume of non-sacred lentils? This contradicts the opinion of Rabbi Shmuel bar Rav Yitzḥak.

Perek **VII**
Daf **99** Amud **b**

HALAKHA

Leaven of *teruma* wheat that fell into dough of non-sacred wheat – שְׂאוֹר שֶׁל חִטִּין שֶׁנָּפַל לְעִיסַּת חִטִּין: If leaven of *teruma* wheat falls into dough made of non-sacred wheat, and there is enough to cause the entire mixture to become leavened, the entire dough is prohibited to a non-priest, even if the leaven is only one-thousandth of the entire mixture (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:2).

לָא, בְּמֵאָה.

Rav Dimi answered Abaye: **No,** the mishna means that although there is not one hundred and one times as much non-sacred food as *teruma*, the *teruma* is nullified because there is **one hundred** times its volume of non-sacred food.

וְהָא מִדְּרֵישָׁא בְּמֵאָה, הָוֵי סֵיפָא בְּשִׁשִּׁים. דְּקָתָנֵי רֵישָׁא: לְהַחְמִיר – מִין וּמִינוֹ, כֵּיצַד, שְׂאוֹר שֶׁל חִטִּין שֶׁנָּפַל לְעִיסַּת חִטִּין, וְיֵשׁ בּוֹ כְּדֵי לְחַמֵּץ, בֵּין יֵשׁ בּוֹ כְּדֵי לְהַעֲלוֹת בְּמֵאָה וְאֶחָד, בֵּין אֵין בּוֹ כְּדֵי לְהַעֲלוֹת בְּמֵאָה וְאֶחָד – אָסוּר.

Abaye responded: **But since the first clause** states that it is nullified **in one hundred** times its volume, it must **be** that **the latter clause** is referring to a case where there is **sixty** times its volume. **As** the mishna (*Orla* 2:6) **teaches in the first clause:** When it is stated that the *halakha* is **to be stringent** if one **type** of *teruma* is mixed with non-sacred food of **its type, how** is this accomplished? For example, in a case of **leaven of** *teruma* **wheat that fell into dough** made of non-sacred **wheat,**[H] **and there is enough** *teruma* **to cause** the non-sacred wheat **to become leavened, whether there is** enough non-sacred wheat **to neutralize** the *teruma* **in one hundred and one** times its volume, or **whether there is not** enough non-sacred wheat **to neutralize** the *teruma* **in one hundred and one** times its volume, the entire dough **is forbidden** to a non-priest.

אֵין בּוֹ לְהַעֲלוֹת בְּמֵאָה וְאֶחָד, בֵּין שֶׁיֵּשׁ בּוֹ כְּדֵי לְחַמֵּץ, בֵּין אֵין בּוֹ כְּדֵי לְחַמֵּץ – אָסוּר, רֵישָׁא וְסֵיפָא בְּמֵאָה?!

But if **there is not** enough non-sacred wheat **to neutralize** the *teruma* **in one hundred and one** times its volume, then **whether there is** enough *teruma* **to cause** the non-sacred wheat **to become leavened** or **whether there is not** enough *teruma* **to cause** the non-sacred wheat **to become leavened,** the entire dough **is forbidden** to a non-priest. Would you suggest that both **the first clause and the latter clause** are stating that the *teruma* is nullified **in one hundred** times its volume?

לָא, רֵישָׁא – בְּמֵאָה וְחַד, וְסֵיפָא – בְּמֵאָה.

Rav Dimi answered: **No. The first clause** is referring to a case where the *teruma* is mixed **with one hundred and one** times its volume of non-sacred food, **and the latter clause** is referring to a case where the *teruma* is mixed **with one hundred** times its volume of non-sacred food.

וְכִי יֵשׁ בּוֹ כְּדֵי לְחַמֵּץ, בְּמֵאָה וְחַד אַמַּאי לָא בָּטֵיל? אִישְׁתִּיק.

Abaye asked Rav Dimi: If so, **when** the mishna states that if **there is** enough *teruma* **to cause** the non-sacred wheat **to become leavened** the entire mixture is forbidden to non-priests, why is that the case? If leaven is mixed **with one hundred and one** times its volume of non-sacred wheat it will have no leavening effect, so **why is it not nullified?** Rav Dimi did not have an answer and **was silent.**

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אֲמַר לֵיהּ: דִּלְמָא שָׁאנֵי שְׁאוֹר דְּחִימּוּצוֹ קָשֶׁה? אֲמַר לֵיהּ: אַדְכַּרְתָּן מִילְּתָא דַּאֲמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: לֹא כָּל הַשִּׁיעוּרִין שָׁוִין, שֶׁהֲרֵי צִיר שִׁיעוּרוֹ קָרוֹב לְמָאתַיִם. דְּתְנַן, דָּג טָמֵא – צִירוֹ אָסוּר. רַבִּי יְהוּדָה אוֹמֵר: רְבִיעִית בְּסָאתַיִם.

Abaye **said to him: Perhaps leaven is different, because its leavening** properties are **potent,** and there are some forms of leaven that can have an effect on such a large quantity of dough. Rav Dimi **said to him: You reminded me** of **a matter that Rabbi Yosei, son of Rabbi Ḥanina, said: Not all the measures are equal, because the measure** required in order to nullify non-kosher fish **brine** is **close to two hundred** times its volume. **As we learned** in a mishna (*Terumot* 10:8): **The brine** of **a non-kosher fish is forbidden.**[H] **Rabbi Yehuda says: A quarter-***log* of non-kosher fish brine renders kosher food forbidden even if it is mixed **with two *se'a*** of permitted food, which is one hundred ninety-two times as much as a quarter-*log*.

וְהָאָמַר רַבִּי יְהוּדָה מִין בְּמִינוֹ לָא בָּטֵיל! שָׁאנֵי צִיר, דְּזֵיעָה בְּעָלְמָא הוּא.

The Gemara asks: How can Rabbi Yehuda say that fish brine is nullified at all? **Doesn't Rabbi Yehuda say** that **a type** of food mixed **with** food of **its** own **type is not nullified?** The Gemara answers: **Brine is different because it is merely sweat,**[N] i.e., it does not have the halakhic status of the fish itself.

״בִּיצַד מְשַׁעֲרִינַן״. אָמַר רַב הוּנָא: כְּבָשָׂר בְּרָאשֵׁי לְפָתוֹת. מַתְנִיתִין דְּלָא כְּהַאי תַּנָּא, דְּתַנְיָא, רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: אֵין בַּגִּידִין בְּנוֹתֵן טַעַם.

§ The mishna (96b) teaches: **How does one measure** whether there is enough sciatic nerve to impart flavor to the meat of the entire thigh? One relates to it as though the sciatic nerve were meat and the thigh were a turnip. If the meat would impart flavor to the turnip when they were cooked together, then the entire thigh is forbidden. The Gemara states that **Rav Huna says:** The mishna means that it is measured **like meat** cooked in a pot **with turnip heads.**[B] The Gemara notes that **the mishna is not in accordance with** the opinion **of this *tanna*, as it is taught** in a *baraita*: **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says:** Sciatic **nerves do not impart flavor**[H] at all.

הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרַבִּי חֲנִינָא, הֲוָה יָתֵיב רַבִּי יְהוּדָה בַּר זְבִינָא אַבָּבָא, כִּי נָפַק אֲמַר לֵיהּ: מַאי אֲמַר לָךְ? אֲמַר לֵיהּ: שָׁרְיָא נִיהֲלֵיהּ.

There was **a certain** man **who came before Rabbi Ḥanina** to ask about the status of a thigh of an animal that was cooked with its sciatic nerve, and **Rabbi Yehuda bar Zevina was sitting at the gate. When** the man **left,** Rabbi Yehuda bar Zevina **said to him: What did** Rabbi Ḥanina **say to you?** The man **said to him: He permitted me** to eat the thigh.

אֲמַר לֵיהּ: הַדַּר עַיֵּילֵיהּ לְקַמֵּיהּ! אֲמַר: מַאן הַאי דְּקָא מְצַעַר לִיהּ? זִיל אֵימָא לֵיהּ לְמַאן דְּיָתֵיב אַבָּבָא: אֵין בַּגִּידִין בְּנוֹתֵן טַעַם.

Rabbi Yehuda bar Zevina **said to him: Bring** the animal **before him again;** perhaps he did not fully understand the question. When the man returned to Rabbi Ḥanina, Rabbi Ḥanina **said: Who is this** person **who is bothering me? Go and say to the** individual **who is sitting at the gate,** i.e., Rabbi Yehuda bar Zevina: Sciatic **nerves do not impart flavor.** Consequently, he can remove the sciatic nerve and the rest of the meat is permitted.

כִּי אָתוּ לְקַמֵּיהּ דְּרַבִּי אַמִּי, מְשַׁדַּר לְהוּ לְקַמֵּיהּ דְּרַבִּי יִצְחָק בֶּן חֲלוֹב, דְּמוֹרֵי בָּהּ לְהֵיתִירָא מִשּׁוּם דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי, וְלֵיהּ לָא סְבִירָא לֵיהּ. וְהִלְכְתָא: אֵין בַּגִּידִין בְּנוֹתֵן טַעַם.

When people **would come before Rabbi Ami** to ask about the *halakha* of a thigh that was cooked with the sciatic nerve inside, he would **send them before Rabbi Yitzḥak ben Ḥalov, who** would **rule** leniently **about** this issue and say that is was **permitted, in the name of Rabbi Yehoshua ben Levi.** Rabbi Ami **himself did not hold accordingly,** but he did not wish to rule stringently for others. **And the *halakha*** is that sciatic **nerves do not impart flavor** at all.

״גִּיד הַנָּשֶׁה שֶׁנִּתְבַּשֵּׁל״. וְלִיבְטוֹל בְּרוּבָּא!

§ The mishna states (96b): With regard to **a sciatic nerve that was cooked**[H] with other sinews, when one identifies the sciatic nerve and removes it, the other sinews are forbidden if the sciatic nerve was large enough to impart flavor. And if he does not identify it, all the sinews are forbidden because each one could be the sciatic nerve. The Gemara challenges: **Let** the sciatic nerve **be nullified by** a simple **majority.**

BACKGROUND

Turnip heads – רָאשֵׁי לְפָתוֹת: There are different opinions as to the meaning of the phrase: Turnip heads. Some say that it is referring to the upper part of the vegetable. Others say that it is referring to the root of the vegetable that is in the ground, and that the word: Head, in this context means the round head-shaped bulb.

HALAKHA

The brine of a non-kosher fish is forbidden – דָּג טָמֵא צִירוֹ אָסוּר: Brine of non-kosher fish is forbidden by rabbinic law. Therefore, it is permitted to buy salted kosher fish from a gentile, even if they are in the same container as non-kosher fish. The Rema writes that some prohibit this if they are placed in the same container. The custom is not to purchase such fish, even if one sees that it is only that they are placed on the table with the non-kosher fish. The exception is herring, which is always permitted, because it is not usually salted together with non-kosher fish. Even with other types of kosher fish one need not be stringent to check whether there are other non-kosher fish mixed in with them. If one sees that there are non-kosher fish soaked in water with the kosher fish, even herring, the kosher fish is forbidden, but as long as one does not see that they were soaked together, one need not be concerned about this.

All of the these *halakhot* are *ab initio*. After the fact, if they have already been purchased, one may permit the kosher fish in any case. The reason is that as the brine of non-kosher fish is prohibited by rabbinic law and there is uncertainty as to whether or not they were salted together, one may be lenient. This applies when there is no fat, and most salted fish do not have fat. If the non-kosher fish do have fat, the mixture is forbidden by Torah law. Therefore, in a case of uncertainty, one must be stringent like with regard to other Torah laws. If the salted fish are dry, they are certainly permitted, since there is no transfer of flavor. Nevertheless, the custom is to be stringent *ab initio* if there are any non-kosher fish among them (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 3:22; *Shulḥan Arukh*, *Yoreh De'a* 83:5, and in the comment of Rema).

Nerves do not impart flavor – אֵין בַּגִּידִין בְּנוֹתֵן טַעַם: Although the sciatic nerve itself is considered like wood, because it has no taste, the Torah nevertheless forbids it. But since it has no taste, if it is cooked with other food and the nerve itself is removed, it does not render the other food forbidden, in accordance with the conclusion of the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:17; *Shulḥan Arukh*, *Yoreh De'a* 65:9 and 100:2).

A sciatic nerve that was cooked – גִּיד הַנָּשֶׁה שֶׁנִּתְבַּשֵּׁל: If the thigh of an animal is cooked with the sciatic nerve inside, if one can identify the nerve, he must remove it. The remainder is permitted provided that there is sixty times as much meat as the volume of the fat of the sciatic nerve. If he cannot identify the sciatic nerve, all the pieces of meat cooked together with it are forbidden. Since the sciatic nerve is a distinct entity, it is considered significant and is not nullified (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:6; *Shulḥan Arukh*, *Yoreh De'a* 100:2).

NOTES

Brine is different because it is merely sweat – שָׁאנֵי צִיר דְּזֵיעָה בְּעָלְמָא הוּא: The early commentaries explain that fish brine is forbidden by rabbinic decree and not by Torah law, since it is treated merely as sweat. This is why Rabbi Yehuda holds that it can be nullified (*Tosafot*; Ramban; Rashba; Ritva; Rosh). The commentaries also write that with regard to fish brine, the principle that the halakhic status of the flavor is like that of its substance does not apply by Torah law. Therefore, fish brine does not have the same status as broth that was cooked with a fish. Some explain that the *halakha* depends on the usual method of preparing the fish. If the fish is most commonly used in brine, then the brine is in fact forbidden by Torah law, based on the principle that the halakhic status of the flavor is like that of its substance (*Ḥazon Ish*, citing *Rashba*).

The commentaries note that this statement that brine is forbidden by rabbinic decree applies specifically to the brine of non-kosher fish. By contrast, the brine of other non-kosher creatures is forbidden by Torah law. This is derived by the Gemara (120a) from the verse: "These are they that are impure to you among all that swarm" (Leviticus 11:31). The word "impure" is interpreted to mean that the brine, broth and deposits of these swarming creatures are also forbidden by Torah law (*Tosafot*).

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NOTES

An entity is different – בְּרִיָּה שָׁאנֵי: The concept of an entity applies only to an item that is complete or distinct. If the entity, or part of it, was crushed, it loses its status as an entity. Furthermore, an entity is defined as an item that does not have the same name when it is divided. For example, a sciatic nerve that is cut into pieces is called a piece of a sciatic nerve. Therefore a sciatic nerve is considered an entity. By contrast, an animal carcass [*neveila*] that is cut into pieces is still called *neveila*, and for this reason it is not considered to be an entity.

Any item whose manner is to be counted, etc. – כָּל שֶׁדַּרְכּוֹ לִימָּנוֹת וכו׳: Rabbi Yoḥanan and Reish Lakish disagree about this issue (*Beitza* 3b). Rabbi Yoḥanan holds that an item that is only sold by number is not nullified (Rashi on *Beitza* 3b; Rabbi Shimshon of Saens on *Orla* 3:6). By contrast, Reish Lakish holds that an item that is normally sold by number is not nullified, even if it is occasionally sold in bulk or the seller adds extra.

A piece is different since it is suitable to give honor with it before guests – חֲתִיכָה הוֹאִיל וּרְאוּיָה לְהִתְכַּבֵּד בָּהּ לִפְנֵי הָאוֹרְחִים: The early commentaries define this as a piece that is currently unsuitable to place before guests because it is forbidden to be eaten, but if it were to be nullified it would also be permitted and suitable to place before guests (*Sefer HaTeruma*; *Roke'aḥ*; *Tosafot*). Alternatively, it means that a similar piece of permitted food would be suitable to place before guests (Ra'ah; Ritva; Meiri).

Commentaries disagree as to the reason that such a piece is not subject to nullification. Some say that it is similar to an item whose manner is to be counted, which is not subject to nullification, since one counts the pieces according to the number of invited guests (*Tosafot*; Ramban; Ritva). Others say it is not subject to nullification because it has significance (Ran; Rabbeinu Gershom Meor HaGola).

בְּרִיָּה שָׁאנֵי.

The Gemara answers that the sciatic nerve is a distinct **entity,** and therefore it **is different**[N] in that it is not subject to nullification.

״וְכֵן חֲתִיכָה שֶׁל נְבֵלָה״ [וכו׳]. וְתִבְטֵיל בְּרוּבָּא!

§ The mishna states: **And similarly,** in the case of **a piece of an animal carcass** or a piece of non-kosher fish that was cooked with similar pieces of kosher meat or fish, when one identifies the forbidden piece and removes it, the rest of the meat or fish is forbidden only if the forbidden piece was large enough to impart flavor to the entire mixture. And if he does not identify and remove the forbidden piece, all the pieces are forbidden, due to the possibility that each piece one selects might be the forbidden piece. The Gemara challenges: Even if the piece of an animal carcass was not removed, **let** it **be nullified by** a simple **majority,** as the majority of the pieces are kosher.

הָנִיחָא לְמַאן דְּאָמַר: כָּל שֶׁדַּרְכּוֹ לִימָּנוֹת שָׁנִינוּ, אֶלָּא לְמַאן דְּאָמַר: אֶת שֶׁדַּרְכּוֹ לִימָּנוֹת שָׁנִינוּ, מַאי אִיכָּא לְמֵימַר? שָׁאנֵי חֲתִיכָה – הוֹאִיל וּרְאוּיָה לְהִתְכַּבֵּד בָּהּ לִפְנֵי הָאוֹרְחִים.

The Gemara clarifies its challenge. **This** ruling **works out well according to the one who said** that **we learned: Any** item **whose manner is to be counted,**[N] i.e., that is sometimes sold by unit rather than by weight or volume, is considered significant and therefore is not subject to nullification. **But according to the one who said** that **we learned:** It is only an item **whose manner is** exclusively **to be counted,** i.e., that is always sold by unit, that is considered significant, and is therefore not subject to nullification, **what can be said?** Since pieces of meat or fish are not always sold by unit, they should be subject to nullification. The Gemara answers: **A piece** of meat or fish **is different, since it is suitable to give honor with it** by placing it **before guests.**[N] Therefore, due to its significance it is not subject to nullification.

וּצְרִיכָא, דְּאִי אַשְׁמְעִינַן גִּיד – מִשּׁוּם דִּבְרִיָּה הִיא, אֲבָל חֲתִיכָה – אִימָּא לָא,

The Gemara adds: **And** it was **necessary** for the mishna to teach both the *halakha* that the sciatic nerve is not nullified and the *halakha* that a piece of non-kosher meat or fish is not nullified, **as if** the mishna had **taught us** only the case of a sciatic **nerve,** one might think that it is not nullified **because it is** a distinct **entity, but** in the case of **a piece** of non-kosher meat, **say** it is **not** significant, and it is subject to nullification.

וְאִי אַשְׁמְעִינַן חֲתִיכָה – הוֹאִיל וּרְאוּיָה לְהִתְכַּבֵּד בָּהּ לִפְנֵי הָאוֹרְחִים, אֲבָל גִּיד – אִימָּא לָא, צְרִיכָא.

And if the mishna had **taught us** the *halakha* only in the case of **a piece** of non-kosher meat or fish, one might think that it is not nullified **since it is suitable to give honor with it** by placing it **before the guests. But** in the case of a sciatic **nerve, say** it is **not** significant, and it is subject to nullification. Therefore it was **necessary** for the mishna to teach both cases.

דָּרַשׁ רַבָּה בַּר בַּר חָנָה: חֲתִיכָה שֶׁל נְבֵלָה וְשֶׁל דָּג טָמֵא – אֵינָהּ אוֹסֶרֶת, עַד שֶׁתִּתֵּן טַעַם בָּרוֹטֶב וּבַקִּיפָּה וּבַחֲתִיכוֹת.

§ **Rabba bar bar Ḥana taught: A piece** of meat **of an unslaughtered carcass**[H] **or of a non-kosher** species of **fish**[H] that fell into a pot of kosher food **does not render** the contents of the pot **forbidden unless it imparts flavor to the broth and to the deposits** of food remaining in the pot **and to the** other **pieces** of food in the pot.

HALAKHA

A piece of an unslaughtered carcass – חֲתִיכָה שֶׁל נְבֵלָה: A piece of non-kosher meat that is significant enough to place before guests has the same status as a distinct entity and is not nullified even if it falls into one thousand pieces of kosher meat. Even if it is a food from which it is prohibited to derive benefit it is not nullified. The Rema adds that even if its prohibition is by rabbinic law it is not nullified. If it is uncertain whether or not it is a piece of meat that is significant enough to place before guests one may be lenient, even if its prohibition is by Torah law. If it is certainly significant enough to place before guests but it is uncertain whether or not it is actually forbidden, it is not nullified (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:5; *Shulḥan Arukh*, *Yoreh De'a* 92:2–3, 101:1, and in the comment of Rema, and *Shakh* there).

A piece of an unslaughtered carcass or of a non-kosher fish – חֲתִיכָה שֶׁל נְבֵלָה וְשֶׁל דָּג טָמֵא: If a piece of meat, significant enough piece to place before guests, from an unslaughtered animal carcass or from a non-kosher species of animal, bird, or fish becomes mixed even with many thousands of pieces of permitted meat, all of the pieces are forbidden until the non-kosher meat is removed. After it has been removed the rest of the mixture is permitted if it is sixty times the volume of the forbidden piece. If one does not remove the piece of non-kosher meat it is not nullified (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:5).

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אוֹקֵי רַב אָמוֹרָא עֲלֵיהּ וְדָרֵשׁ: כֵּיוָן שֶׁנָּתַן טַעַם בַּחֲתִיכָה – חֲתִיכָה עַצְמָהּ נַעֲשֵׂית נְבֵלָה, וְאוֹסֶרֶת כָּל הַחֲתִיכוֹת כּוּלָּן, מִפְּנֵי שֶׁהֵן מִינָהּ.

Rav disagreed with Rabba bar bar Ḥana and **appointed a disseminator**[B] to stand **before him** and teach his statement to a wider audience, **and** he **taught: Once** the non-kosher meat or fish **has imparted flavor to** another **piece** in the pot, that second **piece itself becomes non-kosher.**[N] **And** this second piece **renders all the pieces** of meat or fish in the pot **forbidden, because they are** of the same **type;** therefore, nullification does not apply.

אֲמַר לֵיהּ רַב סָפְרָא לְאַבַּיֵי: מִכְּדֵי, רַב כְּמַאן אֲמָרָהּ לִשְׁמַעֲתֵיהּ – כְּרַבִּי יְהוּדָה, דַּאֲמַר: מִין בְּמִינוֹ – לָא בָּטֵיל, מַאי אִירְיָא כִּי נָתַן טַעַם? אֲפִילּוּ כִּי לֹא נָתַן טַעַם נַמִי! אֲמַר לֵיהּ: הָכָא בְּמַאי עָסְקִינַן – בְּשֶׁקָּדַם וְסִלְּקוֹ.

Rav Safra said to Abaye: Now, in accordance with whose opinion did **Rav say his statement?** It is **in accordance with** the opinion of **Rabbi Yehuda, who says** that **a type** of food mixed **with** food of **its** own **type is not nullified.** But if so, **why** does Rav state **specifically that** the non-kosher meat renders all the pieces forbidden only **when it** has **imparted flavor** to another piece? **Even if it did not impart flavor** to another piece it should render all the contents of the pot forbidden. Abaye **said to him: Here we are dealing with** a case **where he** cooked the non-kosher piece with one kosher piece and **first removed** the non-kosher piece before adding the other pieces. Consequently, the remaining pieces are forbidden only if the non-kosher piece imparted flavor to the piece it was cooked with.

רָבָא אָמַר:

Rava said an alternate answer to Rav Safra's challenge of Rav's statement:

BACKGROUND

Disseminator [*amora*] – אָמוֹרָא: The custom in the time of the Sages was to appoint a disseminator before the Sage giving a lecture. The term *amora* has the same meaning as the word *meturgeman* used in the Mishna. This person was often a scholar himself, sometimes even an important Sage, whose job it was to translate the exposition from Hebrew to Aramaic and to project it so that it could be heard by everyone. Sometimes, there was more than one disseminator if the speech needed to be projected to a large group. Often, the disseminator would not only translate but also explain the exposition, as the Sage would say the most basic ideas, and the disseminator would expand and develop them. For this reason, the Sages of the talmudic period describe themselves as *amora'im*, as they saw their job as disseminating the statements of the Sages of the Mishna.

Occasionally a Sage would establish a disseminator to announce a particular statement, or to negate his own mistaken statement or that of another Sage, as is the case in the Gemara here.

NOTES

The piece itself becomes non-kosher – חֲתִיכָה עַצְמָהּ נַעֲשֵׂית נְבֵלָה: The early commentaries disagree with regard to the status of a piece of permitted food that has absorbed flavor from a forbidden food. Some hold that from the moment of absorption, the entire piece is treated as forbidden, and if it is subsequently cooked with other pieces it is nullified only if there is sixty times its volume of permitted food (Rabbeinu Tam; Rabbeinu Yitzḥak). Others hold that only the amount of forbidden flavor that the piece has absorbed must be nullified (Rabbeinu Efrayim; Rashba; Rosh; *Maggid Mishne* on Rambam). But with regard to meat and milk mixed together, everyone agrees that the entire piece is treated as if it is non-kosher, and its total volume must be nullified. This is because the meat and the milk are permitted separately, and they become forbidden only when mixed together. The reason Rav holds it is forbidden is that he holds that a type of food mixed with other food of its type is never nullified. Therefore the piece that has absorbed the forbidden flavor renders all the other pieces forbidden. The *halakha* is that a type of food mixed with other food of its own type is nullified in sixty times its volume.

Perek **VII**
Daf **100** Amud **b**

אֲפִילּוּ תֵּימָא – לֹא קָדַם וְסִלְּקוֹ, הָוֵי מִין וּמִינוֹ וְדָבָר אַחֵר,

You may **even say** that it is referring to a case where **he did not first remove** the piece of non-kosher meat or fish. Nevertheless, this **is** a case of a mixture of one **type** of food **with** its **own type** of food **and** with **something else,** i.e., the spices and broth in the pot.

וְכָל מִין וּמִינוֹ וְדָבָר אַחֵר – סַלֵּק אֶת מִינוֹ כְּמִי שֶׁאֵינוֹ, וְשֶׁאֵין מִינוֹ – רַבֶּה עָלָיו וּמְבַטְּלוֹ.

And in **any** case of **a type** of forbidden food mixed with **its own type** of food **and** with **something else, disregard** the food that is **its own type, as though it is not** present in the mixture, **and** if the amount of permitted food **that is not its own type is** sixty times **greater than** the forbidden food, the permitted food **nullifies it.** Rav's ruling applies to a case where the forbidden piece of meat or fish imparts flavor to another piece before the spices and broth are added, and there is a total volume sixty times greater than the original non-kosher piece. Consequently, even if the amount of spices and broth is eventually sixty times greater than the original non-kosher piece of meat or fish, the entire mixture is forbidden, as the spices and broth are not sixty times greater than the two pieces of meat or fish which are now non-kosher.

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BACKGROUND

Throat – בֵּית הַבְּלִיעָה: This is referring to the back of the mouth, especially the pharynx. When the food reaches this place it is swallowed automatically and involuntarily. One can prevent it from being swallowed only by forcibly gagging.

מתני׳ נוֹהֵג בַּטְּהוֹרָה וְאֵינוֹ נוֹהֵג בַּטְּמֵאָה. רַבִּי יְהוּדָה אוֹמֵר: אַף בַּטְּמֵאָה. אָמַר רַבִּי יְהוּדָה: וַהֲלֹא מִבְּנֵי יַעֲקֹב נֶאֱסַר גִּיד הַנָּשֶׁה, וַעֲדַיִין בְּהֵמָה טְמֵאָה מוּתֶּרֶת לָהֶן! אָמְרוּ לוֹ: בְּסִינַי נֶאֱמַר, אֶלָּא שֶׁנִּכְתַּב בִּמְקוֹמוֹ.

MISHNA The prohibition of eating the sciatic nerve **applies to a kosher** animal **and does not apply to a non-kosher** animal.[H] **Rabbi Yehuda says:** It applies **even to a non-kosher** animal. **Rabbi Yehuda said** in explanation: **Wasn't the sciatic nerve forbidden for the children of Jacob,** as it is written: "Therefore the children of Israel eat not the sciatic nerve" (Genesis 32:33), **yet** the meat of **a non-kosher animal was still permitted to them?** Since the sciatic nerve of non-kosher animals became forbidden at that time, it remains forbidden now. The Rabbis **said to** Rabbi Yehuda: The prohibition **was stated in Sinai, but** it **was written in its place,** in the battle of Jacob and the angel despite the fact that the prohibition did not take effect then.

גמ׳ וְסָבַר רַבִּי יְהוּדָה אִיסּוּר חָל עַל אִיסּוּר? וְהָתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: יָכוֹל תְּהֵא נִבְלַת עוֹף טָמֵא מְטַמֵּא בְּגָדִים בְּבֵית הַבְּלִיעָה?

GEMARA The Gemara asks: **And does Rabbi Yehuda hold** that **a prohibition takes effect where** another **prohibition** already exists? **But isn't it taught** in a *baraita*: **Rabbi Yehuda says:** One **might** have thought that **the carcass of a non-kosher bird renders** the **garments** of one who swallows it **ritually impure** when it is **in the throat,**[BH] similar to the carcass of a kosher bird.

תַּלְמוּד לוֹמַר ״נְבֵלָה וּטְרֵפָה לֹא יֹאכַל לְטָמְאָה בָהּ״ – מִי שֶׁאִיסּוּרוֹ מִשּׁוּם ״כַּל תֹּאכַל נְבֵלָה״, יָצָא זֶה שֶׁאֵין אִיסּוּרוֹ מִשּׁוּם ״כַּל תֹּאכַל נְבֵלָה״, אֶלָּא מִשּׁוּם ״כַּל תֹּאכַל טְמֵאָה״!

Therefore **the verse states** concerning the impurity of carcasses of birds: **"A carcass, or that which is torn of animals, he shall not eat to defile himself with it"** (Leviticus 22:8). The verse indicates that only **those** birds **that are forbidden** specifically **due to** the prohibition: **You shall not eat** of **a carcass,** i.e., kosher birds that died without ritual slaughter, cause impurity in this manner. This serves to **exclude** any bird **that is not forbidden due to** the prohibition: **You shall not eat** of **a carcass,** but **rather due to** the prohibition: **You shall not eat a non-kosher** bird. This indicates that according to Rabbi Yehuda, the prohibition of eating a carcass does not take effect with regard to a non-kosher bird, because it is already subject to a different prohibition.

וְכִי תֵּימָא, קָסָבַר: אֵין בַּגִּידִין בְּנוֹתֵן טַעַם, וּבַטְּמֵאָה נַמִּי, אִיסּוּר גִּיד – אִיכָּא, אִיסּוּר טוּמְאָה – לֵיכָּא,

The Gemara continues with its question: **And if you would say** that Rabbi Yehuda **holds** that sciatic **nerves do not impart flavor,** i.e., they do not have flavor and therefore are not classified as food, **and even with regard to a non-kosher** animal it is prohibited to eat the sciatic nerve because the general **prohibition** of eating **a sciatic nerve applies,** whereas the **prohibition** of eating **non-kosher** animals **does not** apply because the sciatic nerve is not considered food, this is untenable.

וְסָבַר רַבִּי יְהוּדָה אֵין בַּגִּידִין בְּנוֹתֵן טַעַם? וְהָתַנְיָא: הָאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל בְּהֵמָה טְמֵאָה – רַבִּי יְהוּדָה מְחַיֵּיב שְׁתַּיִם, וְרַבִּי שִׁמְעוֹן פּוֹטֵר!

The Gemara explains: **And does Rabbi Yehuda hold** that sciatic **nerves do not impart flavor? But isn't it taught** in a *baraita*: With regard to **one who eats the sciatic nerve of a non-kosher animal,**[H] **Rabbi Yehuda deems** him **liable** to receive **two** sets of lashes, one for eating the sciatic nerve and one for eating the meat of a non-kosher animal, **and Rabbi Shimon exempts** him entirely from lashes. This indicates that Rabbi Yehuda holds that the sciatic nerve does have flavor.

HALAKHA

Applies to a kosher animal and does not apply to a non-kosher animal – נוֹהֵג בַּטְּהוֹרָה וְאֵינוֹ נוֹהֵג בַּטְּמֵאָה: The prohibition of eating the sciatic nerve applies to every kosher animal, even if it was not slaughtered or it became a *tereifa*. The prohibition does not apply to the sciatic nerve of non-kosher species of animals, in accordance with the opinion of the first *tanna* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:1, 5).

One might have thought the carcass of a non-kosher bird renders garments ritually impure in the throat – יָכוֹל תְּהֵא נִבְלַת עוֹף טָמֵא מְטַמֵּא בְּגָדִים בְּבֵית הַבְּלִיעָה: The Sages learned by tradition that the verse referring to ritual impurity, which states: "And every soul that eats that which dies of itself, or that which is a *tereifa*, whether he be homeborn or a stranger, he shall wash his clothes, and bathe himself in water, and be impure until the evening; then shall he be pure" (Leviticus 17:15), applies only to one who eats a carcass of a kosher species of bird, which is forbidden due to the prohibitions of an unslaughtered carcass and *tereifa* (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 3:1).

One who eats the sciatic nerve of a non-kosher animal – הָאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל בְּהֵמָה טְמֵאָה: One who eats the sciatic nerve of a non-kosher species of animal is exempt from lashes, because the prohibition of eating the sciatic nerve applies only to kosher species of animal. Eating the sciatic nerve is not considered like eating the meat of the animal, since the sciatic nerve has no flavor. This ruling is in accordance with the opinion of Rabbi Shimon (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:5, 4:18).

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לְעוֹלָם קָסָבַר: יֵשׁ בַּגִּידִין בְּנוֹתֵן טַעַם, וְקָסָבַר: נוֹהֵג בַּשָּׁלִיל דְּאִיסּוּר גִּיד וְאִיסּוּר טוּמְאָה – בַּהֲדֵי הֲדָדֵי קָאָתֵי.

The Gemara answers: **Actually** Rabbi Yehuda **holds** that sciatic **nerves do impart flavor, and he** also **holds** that the prohibition of eating the sciatic nerve **applies to** the sciatic nerve of an animal **fetus.** Consequently, although Rabbi Yehuda holds that a prohibition does not take effect where another already exists, one who eats the sciatic nerve of a non-kosher animal is flogged twice, **because the prohibition of** eating a sciatic **nerve and the prohibition of** eating meat from **a non-kosher** animal **come** into effect **at the same time.**

וּמִי מָצֵית אָמְרַתְּ נוֹהֵג בַּשָּׁלִיל, וְהָתְנַן: נוֹהֵג בַּשָּׁלִיל. רַבִּי יְהוּדָה אוֹמֵר: אֵינוֹ נוֹהֵג בַּשָּׁלִיל, וְחֶלְבּוֹ מוּתָּר!

The Gemara challenges this answer: **And can you say** that Rabbi Yehuda holds that the prohibition of eating a sciatic nerve **applies to** the sciatic nerve of **a fetus? But didn't we learn** in a mishna (89b): The prohibition **applies to** a late-term **fetus** in the womb. **Rabbi Yehuda says: It does not apply to a fetus, and** similarly the **fat** of a fetus **is permitted?**

הָנֵי מִילֵּי, גַּבֵּי טְהוֹרָה, דְּרַחֲמָנָא אָמַר: ״כָּל...בַּבְּהֵמָה...תֹּאכֵלוּ״, אֲבָל בַּטְּמֵאָה נוֹהֵג.

The Gemara answers: **This statement,** that the prohibition of eating the sciatic nerve does not apply to a fetus, is **with regard to a kosher** species of animal, **because the Merciful One stated** in the Torah: "And **every** animal that divides the hoof, and has the hoof wholly cloven in two, and chews the cud, **among the animals** [***babehema***], that **you may eat"** (Deuteronomy 14:6). The term *babehema* may also be translated as: Inside the animals, indicating that anything inside a kosher animal when it is slaughtered is permitted for consumption, including all parts of a fetus. **But with regard to a non-kosher** species of animal the prohibition **applies.**

וּמִי מָצֵית אָמְרַתְּ דְּתַרְוַיְיהוּ בַּהֲדֵי הֲדָדֵי קָאָתוּ? וְהָתְנַן, עַל אֵלּוּ טוּמְאוֹת הַנָּזִיר מְגַלֵּחַ: עַל הַמֵּת, וְעַל כַּזַּיִת מִן הַמֵּת.

The Gemara challenges the assertion that the prohibitions of eating the sciatic nerve and of eating non-kosher meat take effect at the same time. **And can you say** that **they both come** into effect **at the same time? But didn't we learn** in a mishna (*Nazir* 49b): **A nazirite shaves for** having become impure from **these** following sources of **ritual impurity: For** having become impure with impurity imparted by **a corpse; and for** impurity imparted by **an olive-bulk of a corpse.**

וְקַשְׁיָא לָן: עַל כַּזַּיִת מִן הַמֵּת מְגַלֵּחַ, עַל הַמֵּת כּוּלּוֹ לֹא כָּל שֶׁכֵּן? וַאֲמַר רַבִּי יוֹחָנָן: לָא נִצְרְכָא אֶלָּא לְנֶפֶל שֶׁלֹּא נִתְקַשְּׁרוּ אֵבָרָיו בַּגִּידִין. אַלְמָא: אִיסּוּר טוּמְאָה קָדִים!

And this poses **a difficulty for us:** If a nazirite **shaves for** becoming impure from **an olive-bulk of a corpse,** is it **not** obvious that **all the more so** he must shave **for** becoming impure from **an entire corpse? And Rabbi Yoḥanan said:** It **is necessary only with regard to a miscarried fetus whose limbs have not** yet **become joined to** its **sinews.** Although the fetus does not yet contain an olive-bulk of flesh, since it is a complete entity, it transmits impurity to anything under the same roof. **Evidently,** the limbs of the body are formed before the nerves and sinews, and therefore the **prohibition of** eating **non-kosher** meat takes effect **prior** to the prohibition of the sciatic nerve.

אַף עַל גַּב דְּאִיסּוּר טוּמְאָה קָדִים, אָתֵי אִיסּוּר גִּיד חָיֵיל עֲלֵיהּ, שֶׁכֵּן אִיסּוּרוֹ נוֹהֵג בִּבְנֵי נֹחַ.

The Gemara answers: **Even though the prohibition** of eating **non-kosher** meat takes effect **prior** to the prohibition of eating the sciatic nerve, the **prohibition of** the sciatic **nerve** also **comes and takes effect upon** a non-kosher animal **because** this **prohibition applies to descendants of Noah,** i.e., to gentiles. Since the prohibition of eating the sciatic nerve adds an additional stringency that did not exist with regard to non-kosher meat, it takes effect even though there was an already existing prohibition.

דַּיְקָא נַמִּי, דְּקָתָנֵי, אָמַר רַבִּי יְהוּדָה: וַהֲלֹא מִבְּנֵי יַעֲקֹב נֶאֱסַר גִּיד הַנָּשֶׁה, וַעֲדַיִין בְּהֵמָה טְמֵאָה מוּתֶּרֶת לָהֶם.

According to this answer, the language of the mishna **is also precise, as it teaches: Rabbi Yehuda said: Wasn't the sciatic nerve forbidden for the children of Jacob,** as it is written: "Therefore the children of Israel eat not the sciatic nerve" (Genesis 32:33), **yet** the meat of **a non-kosher animal was still permitted to them?** This indicates that the basis of Rabbi Yehuda's opinion is the fact that the sciatic nerve was forbidden to the children of Jacob, who had the status of descendants of Noah.

גּוּפָא, הָאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל בְּהֵמָה טְמֵאָה – רַבִּי יְהוּדָה מְחַיֵּיב שְׁתַּיִם,

§ The Gemara returns to **the** matter **itself** cited above. With regard to **one who eats the sciatic nerve of a non-kosher animal, Rabbi Yehuda deems** him **liable** to receive **two** sets of lashes: One for eating the sciatic nerve and one for eating the meat of a non-kosher animal;

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וְרַבִּי שִׁמְעוֹן פּוֹטֵר.

and Rabbi Shimon exempts him entirely.

וְרַבִּי שִׁמְעוֹן, מַה נַּפְשָׁךְ: אִי אִיסּוּר חָל עַל אִיסּוּר – לִיחַייֵב נַמֵּי מִשּׁוּם גִּיד. אִי אֵין אִיסּוּר חָל עַל אִיסּוּר – לִיחַייֵב מִשּׁוּם טוּמְאָה דְּקָדֵים! וְאִי אֵין בַּגִּידִין בְּנוֹתֵן טַעַם – לִיחַייֵב מִשּׁוּם גִּיד!

The Gemara objects: **But** according to **Rabbi Shimon, whichever way you** look at it, it is difficult. **If a prohibition takes effect where** another **prohibition** already exists,[N] **let** Rabbi Shimon **deem** one **liable** for eating non-kosher meat and **also due to** the prohibition of eating the sciatic **nerve.** Conversely, **if a prohibition does not take effect** where another **prohibition** already exists, **let** Rabbi Shimon **deem** one **liable due to the** prohibition of eating meat from **a non-kosher** species, **which preceded** the prohibition of the sciatic nerve. **And if** Rabbi Shimon holds that sciatic **nerves do not impart flavor,** and therefore the prohibition of eating non-kosher meat does not apply, **let** him **deem** one **liable due to** the prohibition of eating the sciatic **nerve.**

אֲמַר רָבָא: לְעוֹלָם קָסָבַר, אֵין בַּגִּידִים בְּנוֹתֵן טַעַם, וְשָׁאנֵי הָתָם – דַּאֲמַר קְרָא: ״עַל כֵּן לֹא יֹאכְלוּ בְּנֵי יִשְׂרָאֵל אֶת גִּיד הַנָּשֶׁה״ – מִי שֶׁגִּידוֹ אָסוּר וּבְשָׂרוֹ מוּתָּר, יָצְתָה זוֹ – שֶׁגִּידוֹ אָסוּר וּבְשָׂרוֹ אָסוּר.

Rava said in response: **Actually** Rabbi Shimon **holds** that sciatic **nerves do not impart flavor,** and therefore they are not subject to the prohibition of eating non-kosher meat. **And** the reason the prohibition of eating the sciatic nerves does not apply to non-kosher animals is that **it is different there, because the verse states: "Therefore the children of Israel eat not the sciatic nerve"** (Genesis 32:33). This teaches that the prohibition applies only to a species **whose** sciatic **nerve is forbidden but whose meat is permitted,** and **excludes this** case of a non-kosher animal, **whose** sciatic **nerve** would be **forbidden and whose meat** would also be **forbidden.**

אָמַר רַב יְהוּדָה, אָמַר רַב: הָאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל נְבֵלָה – רַבִּי מֵאִיר מְחַייֵב שְׁתַּיִם, וַחֲכָמִים אוֹמְרִים: אֵינוֹ חַייָב אֶלָּא אַחַת.

§ Having discussed the status of the sciatic nerve of a non-kosher animal, the Gemara addresses the status of the sciatic nerve of a kosher animal that did not undergo a proper ritual slaughter. **Rav Yehuda says** that **Rav says:** With regard to **one who eats the sciatic nerve of an unslaughtered carcass,**[H] **Rabbi Meir deems** him **liable** to receive **two** sets of lashes, **and the Rabbis say: He is liable** to receive **only one** set of lashes.

וּמוֹדִים חֲכָמִים לְרַבִּי מֵאִיר בְּאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל עוֹלָה וְשֶׁל שׁוֹר הַנִּסְקָל – שֶׁחַייָב שְׁתַּיִם.

And the Rabbis concede to Rabbi Meir in a case **where one eats the sciatic nerve of a burnt offering**[H] **or of an ox that is stoned**[N] **that he is liable** to receive **two** sets of lashes. The prohibitions concerning a burnt offering and an ox that is stoned are more severe than that of the sciatic nerve, in that it is forbidden to derive any benefit from them, whereas the sciatic nerve is merely forbidden for consumption. Consequently, these prohibitions take effect even with regard to the sciatic nerve, despite the fact that the sciatic nerve was already forbidden before the animal was consecrated or before it gored a person and became liable to be stoned.

וּמַאן הַאי תַּנָּא דְּבָאִיסּוּר כּוֹלֵל – אִיסּוּר חָל עַל אִיסּוּר לֵית לֵיהּ, אִיסּוּר כּוֹלֵל בְּאִיסּוּר חָמוּר אִית לֵיהּ?

The Gemara challenges: **And who is this *tanna*** who **does not hold that in** the case of a more **inclusive prohibition,** the **prohibition takes effect where** another **prohibition** already exists, and consequently, according to his opinion the prohibition of eating an unslaughtered animal, which applies to the entire animal, does not take effect with regard to the sciatic nerve. Yet, **he** does **hold** that where the second prohibition is both a more **inclusive prohibition** and a more **stringent prohibition,** it does take effect, and therefore the prohibition of eating a burnt offering or an ox that is stoned does take effect with regard to the sciatic nerve.

NOTES

A prohibition takes effect where another prohibition already exists – אִיסּוּר חָל עַל אִיסּוּר: *Tanna'im* dispute whether to accept this concept, and if it is accepted, the specifics of its application. Most hold that a prohibition does take effect in addition to another prohibition if they both take effect at the same moment. Some *tanna'im* hold that a second prohibition takes effect if it is a more inclusive prohibition in that it adds more items to the prohibition for the same individual. Others hold that even if a second prohibition does not usually take effect, nevertheless it does take effect if it is a more expanded prohibition that incorporates additional people into the list of those to whom the original item is prohibited. According to the Rashba, the concept of an expanded prohibition applies in a case where an item that was previously forbidden to eat becomes an item from which it is forbidden to benefit. Other commentaries hold that it also applies when the additional prohibition merely increases the severity of the punishment, even if nothing new was prohibited (*Peirush Romerog* on *Kiddushin* 77b).

An ox that is stoned – שׁוֹר הַנִּסְקָל: This is referring to an ox that killed a person (see Exodus 21:28–32). Although the same *halakha* applies to any creature that killed a human being, the Sages use the example of an ox because it appears in the verse. The *halakha* that no benefit may be derived from the ox after the verdict is derived from the phrase: "But the owner of the ox shall be clear" (Exodus 21:28). This applies even before the animal is stoned (*Bava Kamma* 41a).

HALAKHA

One who eats the sciatic nerve of an unslaughtered carcass – הָאוֹכֵל גִּיד הַנָּשֶׁה שֶׁל נְבֵלָה: One who eats the sciatic nerve of an unslaughtered carcass is liable to two sets of lashes. He is liable to one set of lashes for violating the general prohibition of eating an unslaughtered carcass, and another set for consuming the sciatic nerve itself, in accordance with the opinion of Rabbi Meir (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:6).

Sciatic nerve of a burnt offering – גִּיד הַנָּשֶׁה שֶׁל עוֹלָה: One who eats the sciatic nerve of a burnt offering is liable to receive two sets of lashes, in accordance with the opinion of Rabbi Meir. In this instance even the Rabbis agree with him (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:6).

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אָמַר רָבָא: רַבִּי יוֹסֵי הַגְּלִילִי הִיא. דְּתָנַן, טָמֵא שֶׁאָכַל קֹדֶשׁ, בֵּין קֹדֶשׁ טָמֵא בֵּין קֹדֶשׁ טָהוֹר – חַיָּיב.

Rava said: It is Rabbi Yosei HaGelili who holds that a more inclusive prohibition does not take effect where there is an already existing prohibition. **As we learned** in a mishna (*Zevaḥim* 106a): One who is **ritually impure who ate sacrificial** food,[H] **whether it was ritually impure sacrificial** food **or ritually pure sacrificial** food, is **liable** to receive *karet* if he did so intentionally and to bring a sliding-scale offering if he did so unwittingly.

רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר: טָמֵא שֶׁאָכַל אֶת הַטָּהוֹר – חַיָּיב, טָמֵא שֶׁאָכַל אֶת הַטָּמֵא – פָּטוּר, שֶׁלֹּא אָכַל אֶלָּא דָּבָר טָמֵא.

Rabbi Yosei HaGelili says: An impure individual **who ate pure** sacrificial food is **liable.** But **an impure** individual **who ate impure** sacrificial food is **exempt, as he merely ate an impure item,** and the prohibition of eating sacrificial food while one is impure does not apply to impure sacrificial food.

אָמְרוּ לוֹ: אַף טָמֵא שֶׁאָכַל אֶת הַטָּהוֹר, כֵּיוָן שֶׁנָּגַע בּוֹ – טִמְּאָהוּ!

The Rabbis **said to him:** According to your logic, this *halakha* would apply **even** in a case of **an impure** individual **who ate** what had been **pure** sacrificial food, because **once he has touched it, he has** thereby **rendered it impure.** Yet, in such a case, he is certainly liable for eating it. So too, an impure individual who ate impure sacrificial food is liable.

שַׁפִּיר קָא אָמְרִי לֵיהּ רַבָּנַן לְרַבִּי יוֹסֵי הַגְּלִילִי! וַאֲמַר רָבָא: בְּנִטְמָא הַגּוּף וְאַחַר כָּךְ נִטְמָא בָּשָׂר – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דְּחַיָּיב, דְּאִיסּוּר כָּרֵת קָדֵים.

The Gemara asks: **The Rabbis are saying well to Rabbi Yosei HaGelili;** why does Rabbi Yosei HaGelili disagree? **And Rava said** in elaboration of the dispute: **In** a case where the person's **body became impure and** then **afterward** the sacrificial **meat became impure, everyone agrees that** he is **liable** if he eats the meat, **as the prohibition** of eating sacrificial meat while impure, which carries the punishment of ***karet*, preceded** the prohibition of eating impure sacrificial meat.

כִּי פְּלִיגִי בְּנִטְמָא בָּשָׂר וְאַחַר כָּךְ נִטְמָא הַגּוּף. רַבָּנַן – אִית לְהוּ אִיסּוּר כּוֹלֵל, דְּמִגּוֹ דְּמִיחַיַּיב אַחֲתִיכוֹת טְהוֹרוֹת דְּעָלְמָא – מִיחַיַּיב נַמִּי אַחֲתִיכָה טְמֵאָה.

They disagree when the **meat became impure and** then **afterward the** person's **body became impure. The Rabbis hold** that a more **inclusive prohibition** takes effect even where there is an already existing prohibition. Consequently, **since** the prohibition for an impure person to eat sacrificial meat is more inclusive than the prohibition for a pure person to eat impure sacrificial meat, **as** an impure person **is liable** for eating even **pure pieces** of sacrificial meat that are permitted to the rest **of the world, he is also liable** for this prohibition when he eats **an impure piece** of sacrificial meat.

וְרַבִּי יוֹסֵי הַגְּלִילִי – לֵית לֵיהּ אִיסּוּר כּוֹלֵל, "דְּמִגּוֹ" לָא אָמְרִינַן.

And Rabbi Yosei HaGelili does not accept the principle that a more **inclusive prohibition** takes effect even where there is an already existing prohibition, **as** he holds that **we do not say that since** it applies to cases that were not yet prohibited it applies to all cases.

וְרַבִּי יוֹסֵי הַגְּלִילִי, נְהִי דְּאִיסּוּר כּוֹלֵל לֵית לֵיהּ, בְּאִיסּוּר קַל יָבֹא אִיסּוּר חָמוּר יָחוֹל עַל אִיסּוּר קַל, וּמַאי נִיהוּ – טוּמְאַת הַגּוּף, שֶׁהֲרֵי טוּמְאַת הַגּוּף בְּכָרֵת!

The Gemara objects: **But** even according to **Rabbi Yosei** HaGelili, **granted that he does not** hold that a more **inclusive prohibition** always takes effect where there is an already existing prohibition. But **in** the case of an already existing **lenient prohibition,** a more **stringent prohibition should come** and **take effect on** the more **lenient prohibition. And what is** the more stringent prohibition? The prohibition due to the **impurity of** a person's **body, as** one who eats sacrificial food when he has **impurity of the body** is liable **to *karet*,** whereas a pure person who eats impure sacrificial food is merely liable to be flogged. Consequently, the prohibition of eating sacrificial food while impure should apply even though the meat became impure before the person became impure.

אָמַר רַב אַשִׁי: מַאן לֵימָא לָן דְּטוּמְאַת הַגּוּף חֲמוּרָה, דִּלְמָא טוּמְאַת בָּשָׂר חֲמוּרָה, דְּלֵית לֵיהּ טָהֳרָה בְּמִקְוֶה!

Rav Ashi said: Who can **say to us that** the prohibition due to the **impurity of** a person's **body is** more **stringent? Perhaps** the prohibition due to the **impurity of the meat is** more **stringent, as** impure meat **does not have** the possibility of restoring its state of **purity** via immersion **in a ritual bath,** whereas a ritually impure person can become pure in this manner.

HALAKHA

One who is ritually impure who ate sacrificial food – טָמֵא שֶׁאָכַל קֹדֶשׁ: In a case where one is impure to a degree that renders him liable to the punishment of *karet* for entering the Temple, if he intentionally ate an olive-bulk of a sacrificial animal he is liable to receive the punishment of *karet*, whether the meat was ritually pure or impure. If he ate the sacrificial meat unwittingly he must bring a sliding-scale offering. This ruling is in accordance with the opinion of the first *tanna* (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:13).

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LANGUAGE

The presentation of this teaching [*hatza'a shel mishna*] – הַצָּעָה שֶׁל מִשְׁנָה: In this idiom, which literally means the spreading of the mishna, the word *hatza'a* denotes clear and plain presentation, similar to the spreading of [*hatza'at*] a sheet on a bed, which can be clearly seen. It presents the precise and correct formulation of a mishna.

וְרַבִּי יוֹסֵי הַגְּלִילִי לֵית לֵיהּ אִיפּוּר כּוֹלֵל?

The Gemara asks: **And does Rabbi Yosei HaGelili not** hold that a more **inclusive prohibition** takes effect where there is an already existing prohibition?

וְהָתַנְיָא: שַׁבָּת וְיוֹם הַכִּפּוּרִים, שָׁגַג וְעָשָׂה מְלָאכָה, מְנַיִן שֶׁחַיָּיב עַל זֶה בְּעַצְמוֹ וְעַל זֶה בְּעַצְמוֹ – תַּלְמוּד לוֹמַר ״שַׁבַּת הִיא״, ״יוֹם הַכִּפֻּרִים הוּא״, דִּבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי. רַבִּי עֲקִיבָא אוֹמֵר: אֵינוֹ חַיָּיב אֶלָּא אַחַת!

But isn't it taught in a *baraita*: When **Shabbat and Yom Kippur** occur on the same day, if one acted **unwittingly and performed** prohibited **labor,**[H] **from where** is it derived **that he is liable for this by itself and for that by itself,**[N] i.e., he is liable to bring two sin offerings, for having transgressed both Shabbat and Yom Kippur? **The verse states:** "You shall do no manner of work; **it is a Shabbat** for the Lord in all your dwellings" (Leviticus 23:3), and another verse states: **"It is Yom Kippur"** (Leviticus 23:27). The term "it is" in each verse teaches that each of these days is considered independently even when it occurs together with another holy day. This is **the statement of Rabbi Yosei HaGelili. Rabbi Akiva says:** He **is liable** to bring **only one** sin offering because a prohibition does not take effect where another prohibition already exists.

שָׁלַח רָבִין מִשּׁוּם דְּרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: כָּךְ הַצָּעָה שֶׁל מִשְׁנָה, וְאֵיפוּךְ.

The Gemara answers that on this topic **Ravin sent** a letter citing a statement **in the name of Rabbi Yosei, son of Rabbi Ḥanina: This is the** correct **presentation of** this **teaching** [***hatza'a shel mishna***],[L] i.e., the opinions in this *baraita* are accurate, **but** one must **reverse** the attributions of each opinion so that the first opinion is that of Rabbi Akiva and the second opinion is that of Rabbi Yosei HaGelili. Consequently, Rabbi Yosei HaGelili holds that two prohibitions do not take effect at the same time even if one is more inclusive or stringent than the other.

שָׁלַח רַב יִצְחָק בַּר יַעֲקֹב בַּר גִּיּוֹרֵי מִשּׁוּם דְּרַבִּי יוֹחָנָן: לְדִבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי, לְמַאי דְּאָמְרַתְּ, שָׁגַג בַּשַּׁבָּת וְהֵזִיד בְּיוֹם הַכִּפּוּרִים – חַיָּיב, הֵזִיד בַּשַּׁבָּת וְשָׁגַג בְּיוֹם הַכִּפּוּרִים – פָּטוּר.

The Gemara continues to discuss the opinion of Rabbi Yosei HaGelili. **Rav Yitzḥak bar Ya'akov bar Giyorei sent** a letter citing a statement **in the name of Rabbi Yoḥanan: According to the statement of Rabbi Yosei HaGelili, as** stated in the *baraita* once the attributions have been **reversed,** if one unwittingly performed a forbidden labor on a Yom Kippur that occurred on Shabbat, he is obligated to bring one sin offering. If he acted **unwittingly with regard to** the fact that it was **Shabbat,** i.e., he forgot that it was Shabbat, **but** acted **intentionally with regard to Yom Kippur,** he is **obligated** to bring a sin offering. But if he acted **intentionally with regard to Shabbat but unwittingly with regard to Yom Kippur,** he is **exempt** from bringing any offering.

מַאי טַעְמָא? אֲמַר אַבַּיֵי: שַׁבָּת – קְבִיעָא וְקַיְימָא, יוֹם הַכִּפּוּרִים – בֵּי דִינָא דְּקָא קָבְעִי לֵיהּ.

The Gemara asks: **What is the reason** for Rabbi Yoḥanan's statement? **Abaye said: Shabbat is established and permanent,** i.e., it always occurs on the seventh day of the week, whereas in the case of **Yom Kippur,** it is **the court that establishes it,** as the Sages determine the New Moon. Consequently, Shabbat is considered to have preceded Yom Kippur, and the prohibition to perform labor on Yom Kippur does not apply, due to the fact that labor is already prohibited because it is Shabbat. Since one brings a sin offering only due to unwitting transgression, he is obligated to bring a sin offering only if he performed labor without realizing it was Shabbat.

HALAKHA

If one acted unwittingly and performed prohibited labor – שָׁגַג וְעָשָׂה מְלָאכָה: One who unwittingly performs forbidden labor on Yom Kippur that occurs on Shabbat is liable to bring two sin offerings, because both prohibitions take effect simultaneously. This ruling is in accordance with the opinion of the first *tanna* (Rambam *Sefer Avoda*, *Hilkhot Shegagot* 4:1).

NOTES

He is liable for this by itself and for that by itself – חַיָּיב עַל זֶה בְּעַצְמוֹ וְעַל זֶה בְּעַצְמוֹ: According to this *baraita*, Rabbi Yosei HaGelili holds that both prohibitions apply together. This is because the prohibitions of Yom Kippur are more inclusive than those of Shabbat, as it is prohibited to eat and drink on Yom Kippur in addition to it being prohibited to perform labor. Conversely, Shabbat is a more extensive prohibition than Yom Kippur in that one who performs a prohibited labor is liable to receive the death penalty, whereas on Yom Kippur he is liable to receive only *karet*.

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אֲמַר לֵיהּ רָבָא: סוֹף סוֹף, תַּרְוַיְיהוּ בַּהֲדֵי הֲדָדֵי קָאָתוּ! אֶלָּא אֲמַר רָבָא, שְׁמָדָא הֲוָה, וְשָׁלְחוּ מִתָּם: דְּיוֹמָא דְּכִפּוּרֵי דְּהָא שַׁבְּתָא – שַׁבְּתָא הוּא. וְכֵן כִּי אָתָא רָבִין וְכָל נְחוֹתֵי, אֲמַרוּהָ כְּרָבָא.

Rava said to Abaye: **Ultimately both of them,** i.e., Shabbat and Yom Kippur, **come** into effect **at the same time.** Since both take effect at the beginning of the calendar day, it cannot be said that Shabbat precedes Yom Kippur. **Rather Rava said** a different explanation. It **was** a time of religious **persecution, and they sent from there,** i.e., from Eretz Yisrael, a directive stating **that Yom Kippur of this year** will not be observed on its proper day but rather on **Shabbat.**[N] Rabbi Yoḥanan was merely stating that on that particular year one who would unwittingly transgress Yom Kippur would be exempt from bringing a sin offering. **And similarly, when Ravin**[P] **and all those who descended**[B] from Eretz Yisrael **came** to Babylonia, **they said** that the true explanation is **in accordance with** the opinion of **Rava.**

״אָמַר רַבִּי יְהוּדָה וַהֲלֹא מִבְּנֵי יַעֲקֹב״ [וכו׳].

§ The mishna teaches: **Rabbi Yehuda said** in explanation: **Wasn't** the sciatic nerve forbidden for **the children of Jacob,** as it is written: "Therefore the children of Israel eat not the sciatic nerve" (Genesis 32:33), yet the meat of a non-kosher animal was still permitted to them? Since the sciatic nerve of non-kosher animals became forbidden at that time, it remains forbidden now.

תַּנְיָא, אָמְרוּ לוֹ לְרַבִּי יְהוּדָה: וְכִי נֶאֱמַר ״עַל כֵּן לֹא יֹאכְלוּ בְּנֵי יַעֲקֹב״? וַהֲלֹא לֹא נֶאֱמַר אֶלָּא ״בְּנֵי יִשְׂרָאֵל״, וְלֹא נִקְרְאוּ ״בְּנֵי יִשְׂרָאֵל״ עַד סִינַי! אֶלָּא, בְּסִינַי נֶאֱמַר, אֶלָּא שֶׁנִּכְתַּב בִּמְקוֹמוֹ לֵידַע מֵאֵיזֶה טַעַם נֶאֱסַר לָהֶם.

It is taught in a *baraita* that the Rabbis **said to Rabbi Yehuda: But is it stated** in the verse: **Therefore the children of Jacob do not eat** the sciatic nerve? **Isn't** it true that **it is stated only** that: "Therefore **the children of Israel** do not eat the sciatic nerve?" **And** the Jewish people were **not called "the children of Israel" until** they received the Torah at Mount **Sinai. Rather,** this terminology indicates that the prohibition of eating the sciatic nerve **was stated** to the Jewish people at Sinai, **but was written in its place,** after the incident of Jacob wrestling with the angel, to allow the Jewish people **to know the reason** the sciatic nerve **was forbidden to them.** Since the prohibition came into effect only at Sinai, there is no proof that it ever applied with regard to non-kosher animals.

מְתִיב רָבָא: ״וַיִּשְׂאוּ בְנֵי יִשְׂרָאֵל אֶת יַעֲקֹב אֲבִיהֶם״! לְאַחַר מַעֲשֶׂה.

Rava raises an objection to this *baraita*: The verse states: "And Jacob rose up from Beersheba; **and the children of Israel carried Jacob their father,** and their little ones, and their wives in the wagons that Pharaoh had sent to carry him" (Genesis 46:5). This occurred before the Torah was given at Sinai, and therefore proves that the title "the children of Israel" was in use before the Torah was given. The Gemara answers: Nevertheless, this occurred **after the incident,** i.e., after Jacob wrestled with the angel and after the prophetic vision in which God changed Jacob's name to Israel (Genesis 35:10).

אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: מֵהַהִיא שַׁעְתָּא לִיתְסַר!

Rav Aḥa, son of Rava, said to Rav Ashi: In that case, the sciatic nerve **should be** understood as having become **forbidden** to them **from that time** when they were first called the children of Israel. Since this was before the giving of the Torah, this would be in accordance with the opinion of Rabbi Yehuda and not that of the Rabbis.

אֲמַר לֵיהּ: וְכִי תּוֹרָה פְּעָמִים פְּעָמִים נִיתְּנָה? הַהוּא שַׁעְתָּא – לָאו שְׁעַת מַעֲשֶׂה הֲוַאי וְלָא שְׁעַת מַתַּן תּוֹרָה הֲוַאי.

Rav Ashi **said to him: Was the Torah given** piecemeal, on numerous different **occasions?** It was given at Sinai. Rather, **that time** when the title "children of Israel" was first used **was not the time** when **the incident** of Jacob wrestling with the angel occurred **and** also **was not the time of the giving of the Torah** at Mount Sinai. Therefore, there is no reason to assume that the prohibition took effect at that time.

תָּנוּ רַבָּנַן: אֵבֶר מִן הַחַי נוֹהֵג בִּבְהֵמָה חַיָּה וְעוֹף, בֵּין טְמֵאִין וּבֵין טְהוֹרִין, דִּבְרֵי רַבִּי יְהוּדָה וְרַבִּי אֶלְעָזָר. וַחֲכָמִים אוֹמְרִים: אֵינוֹ נוֹהֵג אֶלָּא בִּטְהוֹרִין.

§ The mishna taught a dispute between Rabbi Yehuda and the Rabbis with regard to the prohibition of eating the sciatic nerve. The Gemara now cites a similar dispute between them with regard to eating a limb from a living animal. **The Sages taught** in a *baraita*: The prohibition of eating **a limb from a living animal applies**[H] whether the limb comes from **a domesticated animal, an undomesticated animal, or a bird,** and **whether** it is from **a non-kosher** species **or** from **a kosher** species; this is **the statement of Rabbi Yehuda and Rabbi Elazar. But the Rabbis say:** The prohibition of eating a limb from a living animal **applies only to** a limb from **a kosher** species.

NOTES

That Yom Kippur of this year will be observed on Shabbat – דְּיוֹמָא דְּכִפּוּרֵי דְּהָא שַׁבְּתָא שַׁבְּתָא הוּא: Some early commentaries explain that in that year the tenth of Tishrei, the date of Yom Kippur, fell on a weekday. Due to the persecution they were unable to observe Yom Kippur on that day, but in order that they not forget Yom Kippur they observed it on Shabbat instead, when the persecutors would not notice (Rashi). Others challenge this explanation, querying why the Rabbis would forego Yom Kippur due to religious persecution, when such a case should be one for which one is obligated to give up his life (*Sanhedrin* 74b). They answer that the decree was not against observing Yom Kippur specifically, but against the Jews fixing a calendar. Fixing the calendar is a positive mitzva, and one is not obligated to give up one's life to fulfill a positive mitzva (Ritva).

Others explain that due to the persecution the Sages were afraid to send the calendar to the Jews in Babylonia in the usual way. That year Yom Kippur happened to occur on Shabbat, so they sent a coded message to that effect in the name of Rabbi Akiva, using the language recorded in the *baraita*: When Shabbat and Yom Kippur occur on the same day, from where is it derived that he is liable for this by itself and for that by itself? The verse states: "It is a Shabbat for the Lord" and "it is Yom Kippur." The Jews of Babylonia understood from this that Yom Kippur of that year occurred on Shabbat. According to this explanation, Rava completely rejects the explanation of Rav Yitzḥak bar Yaakov bar Giyorei, and is instead saying that when the instruction was given to reverse the opinions, it was only in order to communicate to the Jews in Babylonia that Yom Kippur fell on Shabbat that year. Since Rabbi Akiva's opinion was generally considered authoritative, they attributed the ruling citing the verse to him, even though it was actually that of Rabbi Yosei HaGelili (Ramban).

PERSONALITIES

Ravin – רָבִין: Ravin, a fourth-generation *amora*, studied in Eretz Yisrael under Rabbi Abbahu, Rabbi Zeira, and Rabbi Ilai. He is best known for all of the statements that he brought with him from Eretz Yisrael to Babylonia, which are frequently quoted in the Talmud with the introductory phrase: When Ravin came. The source of many of these statements was Rabbi Yoḥanan, and they were considered to be very precise. It seems that Ravin also returned to visit his teachers in Eretz Yisrael and sent messages back to Babylonia with the statements he learned from them (see *Ketubot* 49b and *Bava Metzia* 114a). In the Jerusalem Talmud, where he is known as Rabbi Avin or Rabbi Bun, a number of his own rulings and some miraculous events that occurred to him are cited. Ravin was an orphan from birth, as his father, who was also called Rabbi Avin, died before he was born and his mother died during childbirth.

BACKGROUND

Descended – נָחוֹתֵי: This is referring to the Sages who would come from Eretz Yisrael to Babylonia, either for business or because they were sent by the community. While they were in Babylonia they reported *halakhot* that had been taught in Eretz Yisrael.

HALAKHA

A limb from a living animal applies, etc. – אֵבֶר מִן הַחַי נוֹהֵג וכו׳: The prohibition against eating a limb from a living animal applies to kosher species of animals and to birds. It does not apply to non-kosher species of animals, in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:1).

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אָמַר רַבִּי יוֹחָנָן: וּשְׁנֵיהֶן מִקְרָא אֶחָד דָּרְשׁוּ. ״רַק חֲזַק לְבִלְתִּי אֲכֹל הַדָּם כִּי הַדָּם הוּא הַנָּפֶשׁ,

Rabbi Yoḥanan says: And both of them, i.e., the Rabbis as well as Rabbi Yehuda and Rabbi Elazar, **derived** their opinions **from one verse: "Only be steadfast in not eating the blood, for the blood is the life;**

Perek **VII**
Daf **102** Amud **a**

NOTES

You shall not eat the life with the flesh – לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר: This verse is understood to mean that one may not eat flesh severed from a living animal.

לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר״. רַבִּי יְהוּדָה וְרַבִּי אֶלְעָזָר סָבְרִי: כָּל שֶׁאַתָּה מְצוּוֶּה עַל דָּמוֹ – אַתָּה מְצוּוֶּה עַל אֵבָרָיו. וְהָנֵי טְמֵאִין נַמִּי, הוֹאִיל וְאַתָּה מְצוּוֶּה עַל דָּמָן – אַתָּה מְצוּוֶּה עַל אֵבָרִין.

and **you shall not eat the life with the flesh"** (Deuteronomy 12:23).[N] **Rabbi Yehuda and Rabbi Elazar hold** that with regard to **any** animal **whose blood you are commanded** not to eat, **you are commanded with regard to its limbs,** i.e., you are prohibited from eating its limbs that were severed while it was still alive. Consequently, with regard to **these non-kosher** species **also, since you are commanded** not to eat **their blood, you are commanded with regard to their limbs.**

וְרַבָּנַן סָבְרִי: ״לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר״ – אֶלָּא בָּשָׂר לְחוּדֵיהּ. כָּל שֶׁבְּשָׂרוֹ מוּתָּר – אַתָּה מְצוּוֶּה עַל אֵבָרָיו, וְכָל שֶׁאֵין בְּשָׂרוֹ מוּתָּר – אִי אַתָּה מְצוּוֶּה עַל אֵבָרָיו.

And the Rabbis hold that the verse indicates: **"And you shall not eat the life with the flesh"** (Deuteronomy 12:23), but **rather** you shall eat **the flesh alone,** i.e., when the animal is no longer alive. Consequently, with regard to **any** animal **whose flesh is permitted** when it is slaughtered, **you are commanded with regard to its limbs,** i.e., you are prohibited from eating its limbs that were severed while it was still alive. **But** with regard to **any** animal **whose flesh is not permitted** when it is slaughtered, **you are not commanded with regard to its limbs,** i.e., the prohibition of eating limbs that were severed while it was still alive does not apply.

וְרַבִּי יְהוּדָה, לָמָּה לֵיהּ קְרָא? לֵיתֵי אִיסּוּר אֵבָר לֵיחוֹל עַל אִיסּוּר טוּמְאָה, שֶׁכֵּן אִיסּוּרוֹ נוֹהֵג בִּבְנֵי נֹחַ!

The Gemara asks: **But** according to **Rabbi Yehuda,** who holds that a prohibition takes effect upon an already existing, less stringent prohibition, **why does he** need to derive this from **a verse? Let the prohibition of** eating **a limb** from a living animal **come and take effect on the prohibition** of eating meat from **a non-kosher** animal, as it is more stringent **since its prohibition applies** also **to descendants of Noah,** i.e., gentiles.

אֵין הָכִי נַמִּי, וְכִי אֵיצְטְרִיךְ קְרָא – לְרַבִּי אֶלְעָזָר.

The Gemara responds: **Yes,** that **is indeed so.** Rabbi Yehuda does not need to derive this *halakha* from a verse, **and the verse was necessary** only **according to** the opinion of **Rabbi Elazar,** who holds that a prohibition does not take effect where there is an already existing prohibition, even if the second prohibition is more stringent.

תַּנְיָא נַמִּי הָכִי: אֵבֶר מִן הַחַי נוֹהֵג בִּבְהֵמָה חַיָּה וְעוֹף, בֵּין טְמֵאָה בֵּין טְהוֹרָה, שֶׁנֶּאֱמַר ״רַק חֲזַק לְבִלְתִּי אֲכֹל הַדָּם״

This fact that it is Rabbi Elazar who derives this *halakha* from the verse, as opposed to Rabbi Yehuda, **is also taught** in a *baraita*: The prohibition of eating **a limb from a living** animal **applies with regard to** a limb from **a domesticated animal, an undomesticated animal, or a bird,** and **whether** it is from **a non-kosher** species **or a kosher** species, **as it is stated: "Only be steadfast in not eating the blood,** for the blood is the life; and you shall not eat the life with the flesh" (Deuteronomy 12:23).

כָּל שֶׁאַתָּה מְצוּוֶּה עַל דָּמוֹ – אַתָּה מְצוּוֶּה עַל אֵבָרָיו, וְכָל שֶׁאִי אַתָּה מְצוּוֶּה עַל דָּמוֹ – אִי אַתָּה מְצוּוֶּה עַל אֵבָרָיו. דִּבְרֵי רַבִּי אֶלְעָזָר.

This verse indicates that with regard to **any** species **whose blood you are commanded** not to eat, **you are commanded with regard to its limbs,** i.e., you are prohibited from eating its limbs that were severed while it was still alive. **And any** species **about whose blood you are not commanded,** i.e., with regard to which the prohibition of eating blood does not apply, **you are not commanded with regard to their limbs.** Since the prohibition of eating blood applies even with regard to non-kosher species, the prohibition of eating limbs severed from a living animal also applies; this is **the statement of Rabbi Elazar.**

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וַחֲכָמִים אוֹמְרִים: אֵינוֹ נוֹהֵג אֶלָּא בִּטְהוֹרִין, שֶׁנֶּאֱמַר ״לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר״ – אֶלָּא בָּשָׂר לְחוּדֵיהּ. כָּל שֶׁבִּשָּׂרוֹ מוּתָּר – אַתָּה מְצוּוֶּה עַל אֵבָרָיו, וְכָל שֶׁאֵין בְּשָׂרוֹ מוּתָּר – אֵין אַתָּה מְצוּוֶּה עַל אֵבָרָיו.

And the Rabbis say: The prohibition of eating a limb from a living animal **applies only to kosher** species, **as it is stated** in the verse: **"And you shall not eat the life with the flesh"** (Deuteronomy 12:23), but **rather** you shall eat **the flesh alone,** i.e., when the animal is no longer alive. Consequently, with regard to **any** animal **whose flesh is permitted** when it is slaughtered, **you are commanded with regard to its limbs,** i.e., you are prohibited from eating its limbs that were severed while it was still alive. **But** with regard to **any** animal **whose flesh is not permitted** when it is slaughtered, **you are not commanded with regard to its limbs,** i.e., the prohibition of eating limbs that were severed while it was still alive does not apply.

רַבִּי מֵאִיר אוֹמֵר: אֵינוֹ נוֹהֵג אֶלָּא בִּבְהֵמָה טְהוֹרָה בִּלְבַד.

Rabbi Meir says that the prohibition of eating a limb from a living animal **applies only with regard to a kosher** species **of domesticated animal,** but not with regard to undomesticated animals or fowl, even if they are kosher.

(סִימָן: שְׁמוּאֵל, שֵׁילָא, שִׁימִי).

The Gemara provides **a mnemonic** for the different opinions with regard to the name of one of the Sages cited in the upcoming discussion: **Shmuel, Sheila, Shimi.**

אֲמַר רַבָּה בַּר שְׁמוּאֵל אֲמַר רַב חִסְדָּא, וְאִיתֵימָא רַב יוֹסֵף. וְאָמְרִי לָהּ: אֲמַר רַבָּה בַּר שֵׁילָא אֲמַר רַב חִסְדָּא, וְאִיתֵימָא רַב יוֹסֵף. וְאָמְרִי לָהּ: רַבָּה בַּר שִׁימִי אֲמַר רַב חִסְדָּא, וְאִיתֵימָא רַב יוֹסֵף: מַאי טַעֲמָא דְּרַבִּי מֵאִיר?

Rabba bar Shmuel said that **Rav Ḥisda said, and some say** that it was **Rav Yosef** who said the following statement. **And some say** the attributions as follows: **Rabba bar Sheila said** that **Rav Ḥisda said, and some say** that it was **Rav Yosef** who said; **and some say** the attributions as follows: **Rabba bar Shimi said** that **Rav Ḥisda said, and some say** that it was **Rav Yosef** who said: **What is the reason** for the opinion **of Rabbi Meir** that the prohibition of eating a limb from a living animal applies only with regard to a kosher species of domesticated animal?

אֲמַר קְרָא ״וְזָבַחְתָּ מִבְּקָרְךָ וּמִצֹּאנְךָ״.

It is that the **verse states:** "Then **you shall slaughter of your cattle and of your sheep"** (Deuteronomy 12:21). This verse is closely followed by the verse that serves as the source of the prohibition to eat a limb severed from a living animal (Deuteronomy 12:23), indicating that the prohibition applies only to kosher domesticated animals.

אָמַר רַב גִּידֵּל, אָמַר רַב: מַחֲלוֹקֶת – בְּיִשְׂרָאֵל, אֲבָל בְּבֶן נֹחַ – דִּבְרֵי הַכֹּל מוּזְהָר עַל הַטְּמֵאִין כַּטְּהוֹרִין.

Rav Giddel says that **Rav says:** The **dispute** between the Rabbis and Rabbi Yehuda and Rabbi Eliezer about whether the prohibition of eating a limb severed from a living animal applies with regard to non-kosher species is only **with regard to Jews. But with regard to descendants of Noah,** i.e., gentiles, **everyone agrees** that they are **prohibited from** eating a limb from a living **non-kosher** species of animal just **like** they are prohibited from eating a limb from a living **kosher** species.

תַּנְיָא נַמִּי הָכִי: אֵבָר מִן הַחַי בֶּן נֹחַ מוּזְהָר עָלָיו, עַל הַטְּמֵאִים כִּטְהוֹרִים, וְיִשְׂרָאֵל אֵינוֹ מוּזְהָר אֶלָּא עַל הַטְּהוֹרִין בִּלְבַד.

The Gemara comments that **this is also taught** in a *baraita*: **A descendant of Noah is prohibited**[B] from eating **a limb from a living** animal[H] from **non-kosher** species just **as** from **kosher** species. **But a Jew is prohibited** from eating a limb from a living animal of **kosher** species **only.**

אִיכָּא דְּאָמְרִי: טְהוֹרָה, וְרַבִּי מֵאִיר. אִיכָּא דְּאָמְרִי: טְהוֹרִים, וְרַבָּנַן.

There are those **who say** that the correct wording of the *baraita* is that a Jew is prohibited from eating a limb from a living **kosher** species, in singular, **and** it is in accordance with the opinion of **Rabbi Meir,** who holds that the prohibition is limited to kosher domestic animals. And **there are** those **who say** that the correct wording of the *baraita* is that a Jew is prohibited from eating a limb from living **kosher** species, in plural, **and** it is in accordance with the opinion of **the Rabbis,** who hold that the prohibition also applies to a limb from a living bird or a living undomesticated animal of kosher species.

HALAKHA

A descendant of Noah is prohibited from eating a limb from a living animal, etc.– אֵבָר מִן הַחַי בֶּן נֹחַ מוּזְהָר עָלָיו וכו׳: Descendants of Noah are liable for eating a limb from a living animal, whether from a kosher species or a non-kosher species (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilḥemoteihem* 9:13).

BACKGROUND

A descendant of Noah is prohibited – בֶּן נֹחַ מוּזְהָר: There are seven universal laws binding on all humanity. These are: (1) The prohibition of idolatry. (2) The prohibition of murder. (3) The prohibition of incest, adultery, and certain other sexual deviancies. (4) The prohibition of robbery and kidnapping. (5) The prohibition of blasphemy. (6) The prohibition of eating a limb from a living animal. (7) The obligation to establish courts of law. A gentile who disobeys one of these mitzvot is liable to receive the death penalty if he lives under the rule of a Jewish state. Although the commonly accepted number for the Noahide laws is seven, some authorities have compiled more extensive lists consisting of up to thirty mitzvot (see 92a). The death penalty applies only to the seven listed here.

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אֲמַר רַב שֵׁיזְבִי, אַף אֲנַן נַמִי תָּנֵינָא: אָכַל אֵבָר מִן הַחַי מִמָּנָּה – אֵינוֹ סוֹפֵג אַרְבָּעִים, וְאֵין שְׁחִיטָה מְטַהַרְתָּהּ.

Rav Sheizvi said: We learn in the mishna **as well** that a gentile is prohibited from eating a limb from a living being even with regard to non-kosher species (*Teharot* 1:3): If one **ate a limb** severed **from a living** non-kosher bird, **he does not incur forty** lashes, **and slaughter does not purify it,** i.e., cause it to become permitted for consumption.

בְּמַאי? אִילֵימָא בְּיִשְׂרָאֵל – פְּשִׁיטָא דְּאֵין שְׁחִיטָה מְטַהַרְתָּהּ. אֶלָּא לָאו בִּבְנֵי נֹחַ, מִכְּלַל דְּאָסוּר.

Rav Sheizvi clarifies: **With regard to what** case does the mishna issue this ruling? **If we say** that it is referring **to a Jew** who ate the limb, it is **obvious that slaughter does not purify it,** because it is a non-kosher species and cannot be made kosher. **Rather** is it **not** referring **to descendants of Noah** and teaching that even after the bird is slaughtered the limb severed while it was alive remains forbidden? **By inference,** it is clear from the mishna **that it is prohibited** for a gentile to eat a limb severed from a living being even from a non-kosher species.

רַבִּי מָנִי בַּר פַּטִּישׁ רָמֵי רֵישָׁא אַסֵּיפָא, וּמְשַׁנֵּי: רֵישָׁא – בְּיִשְׂרָאֵל, וְסֵיפָא – בִּבְנֵי נֹחַ.

Rabbi Mani bar Pattish raises a contradiction between **the first clause** of that mishna, which states that one does not receive lashes for eating a limb severed from a living non-kosher bird, **and the latter clause** of the mishna, which states that a limb severed from a living non-kosher bird remains forbidden after the bird is slaughtered. The first clause indicates that the prohibition of eating a limb severed from a living creature applies only to kosher species, while the latter clause indicates that it applies also to non-kosher species. **And he answers** this contradiction by explaining that **the first clause** is referring **to a Jew and the latter clause** is referring **to a descendant of Noah.**

אָמַר רַב: אֵבָר מִן הַחַי צָרִיךְ כַּזַּיִת, מַאי טַעֲמָא – אֲכִילָה כְּתִיבָה בֵּיהּ.

§ The Gemara continues discussing the prohibition of eating a limb severed from a living creature. **Rav says: A limb** severed **from a living** animal **requires an olive-bulk**[H] in order to render one who eats it liable to receive lashes. **What is the reason** for this? It is because the term: **Eating, is written with regard to** the prohibition of a limb severed from a living animal, and the definition of eating is the consumption of at least one olive-bulk.

מִתִּיב רַב עַמְרָם: אָכַל אֵבָר מִן הַחַי מִמָּנָּה – אֵינוֹ סוֹפֵג אֶת הָאַרְבָּעִים וְאֵין שְׁחִיטָה מְטַהַרְתָּהּ. וְאִי סָלְקָא דַּעְתָּךְ בָּעֵינַן כַּזַּיִת, תֵּיפּוֹק לֵיהּ דְּקָאָכַל כַּזַּיִת!

Rav Amram raises an objection from the mishna cited above (*Teharot* 1:3): If one **ate a limb** severed **from a living** non-kosher bird, **he does not incur the forty** lashes, **and slaughter does not purify it,** i.e., cause it to become permitted. **But if it enters your mind** that **we require an olive-bulk** in order for one to receive lashes for eating a limb severed from a living creature, that mishna must be referring to such a case; therefore, it should **emerge** that he is liable to receive lashes **because he ate an olive-bulk** of a non-kosher bird.

כְּדַאֲמַר רַב נַחְמָן: בְּמַשֶּׁהוּ בָּשָׂר גִּידִין וַעֲצָמוֹת. הָכָא נַמִי, בְּמַשֶּׁהוּ בָּשָׂר גִּידִין וַעֲצָמוֹת.

The Gemara answers: This can be explained **as Rav Naḥman said** with regard to another issue, that it is referring to a case **of** eating **a small amount of meat** together with **sinews and bones** and the total volume is an olive-bulk. **Here also,** the mishna is referring to a case **of** eating **a small amount of meat** together with **sinews and bones.**[N]

תָּא שְׁמַע, דַּאֲמַר רַב:

The Gemara raises another challenge to Rav's statement that one receives lashes for eating a limb severed from a living animal only if he eats an olive-bulk: **Come** and **hear** a proof in this regard, **as Rav said:**

HALAKHA

A limb from a living animal requires an olive-bulk – אֵבָר מִן הַחַי צָרִיךְ כַּזַּיִת: One who eats an olive-bulk of a limb from a living animal is flogged. Even if he ate an entire limb, the *halakha* is the same: If it was an olive-bulk, he is liable, but if it was less than an olive-bulk he is exempt. If he cut an olive-bulk of the meat, sinews, and bones of a limb and ate it as is, he is flogged, even though there is only a small amount of actual meat (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:3).

NOTES

A small amount of meat with sinews and bones – בְּמַשֶּׁהוּ בָּשָׂר גִּידִין וַעֲצָמוֹת: The commentaries explain that only the meat is actually prohibited. Nevertheless the sinews and bones combine with the meat to make a total of an olive-bulk. Since they are attached to the meat they combine with it, and in this way it is considered to be an entire limb. Consequently, the sinews and bones are counted toward the amount of an olive-bulk to render one liable to receive lashes for eating a limb severed from a living animal, but are not counted toward the amount of an olive-bulk with regard to the prohibition of eating the meat of a non-kosher animal.

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אָכַל צִפּוֹר טְהוֹרָה, בְּחַיֶּיהָ – בְּכָל שֶׁהוּא, בְּמִיתָתָהּ – בְּכַזַּיִת. וּטְמֵאָה, בֵּין בְּחַיֶּיהָ בֵּין בְּמִיתָתָהּ – בְּכָל שֶׁהוּא! הָכָא נַמִּי: בְּמַשֶּׁהוּ בָּשָׂר גִּידִים וַעֲצָמוֹת.

If one **ate a kosher bird**[H] **alive,** one is punished with lashes **for any amount,** i.e., even if he ate less than an olive-bulk. If the bird **was dead** and was not ritually slaughtered, one is punished with lashes only if he ate **an olive-bulk. And** if one ate a whole bird of **a non-kosher** species, **whether** he ate it **when it was alive or dead,** he is punished with lashes **for any amount,** i.e., even if the bird contained less than an olive-bulk of meat. The Gemara answers: **Here also** explain that Rav's statement is referring to a case **of** eating **a small amount of meat** along with **sinews and bones,** and the total volume is an olive-bulk.

תָּא שְׁמַע: נָטַל צִפּוֹר שֶׁאֵין בּוֹ כַּזַּיִת וַאֲכָלוֹ – רַבִּי פּוֹטֵר, וְרַבִּי אֶלְעָזָר בַּר רַבִּי שִׁמְעוֹן מְחַיֵּיב. אָמַר רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן: קַל וָחוֹמֶר, עַל אֵבֶר מִמֶּנָּה – חַיָּיב, עַל כּוּלָּהּ – לֹא כָּל שֶׁכֵּן! חֲנָקָהּ וַאֲכָלָהּ – דִּבְרֵי הַכֹּל בְּכַזַּיִת.

Come and **hear** another challenge based upon a *baraita*: With regard to one who **took** a live **bird** of a kosher species **that did not have** a volume of **an olive-bulk and ate it, Rabbi** Yehuda HaNasi **exempts** him from lashes **and Rabbi Elazar bar Rabbi Shimon deems** him **liable** for lashes. **Rabbi Elazar, son of Rabbi Shimon, said:** He should be liable based upon **an *a fortiori*** inference:[B] If one **is liable** to receive lashes **for** eating **a limb of** a living animal, **all the more so** is it **not** clear that one is liable to receive lashes **for** eating **all of it?** The *baraita* concludes: With regard to one who **strangled** the bird **and ate it, everyone agrees** that he is liable to receive lashes only if it had the volume **of an olive-bulk.**

עַד כָּאן לָא פְּלִיגִי אֶלָּא דְּמָר סָבַר – בְּחַיֶּיהָ לְאֵבָרִים עוֹמֶדֶת, וּמָר סָבַר – בְּחַיֶּיהָ לָאו לְאֵבָרִים עוֹמֶדֶת.

The Gemara analyzes the *baraita*: Rabbi Yehuda HaNasi and Rabbi Elazar, son of Rabbi Shimon, **disagree only with regard to** one who ate an entire live bird, **as** one **Sage,** Rabbi Elazar, son of Rabbi Shimon, **holds** that even **during its life** all creatures **stand** to be divided **into limbs,** i.e., they will ultimately be cut into pieces. Consequently, each of its limbs is considered a separate entity, and even if one eats a limb without first separating it from the rest of the body, one violates the prohibition of eating a limb from a living being. **And** one **Sage,** Rabbi Yehuda HaNasi, **holds** that **during its life** it **does not stand** to be divided **into limbs.** Therefore, one does not violate the prohibition of eating a limb from a living being unless he severs a limb from the body.

דְּכוּלֵי עָלְמָא מִיהָא לָא בָּעֵינַן כַּזַּיִת! אָמַר רַב נַחְמָן: בְּמַשֶּׁהוּ בָּשָׂר גִּידִים וַעֲצָמוֹת.

But **in any event, everyone** agrees that **we do not require** one to eat **an olive-bulk** of meat in order to be liable for lashes for eating a limb from a living being, which is the basis of the *a fortiori* inference of Rabbi Elazar, son of Rabbi Shimon. **Rav Naḥman says** in response: Explain that the *baraita* is referring to a case **where** one ate **a small amount of meat** together with **sinews and bones,** making a total of an olive-bulk.

וּמִי אִיכָּא מִידֵּי דִּבְכוּלֵּיהּ לֵית בֵּיהּ כַּזַּיִת בָּשָׂר, וּבְחַד אֵבָר אִית כַּזַּיִת בְּמַשֶּׁהוּ בָּשָׂר גִּידִין וַעֲצָמוֹת? אֲמַר רַב שֵׁרַבְיָא: אִין, בִּקְלָנִיתָא.

The Gemara challenges this answer: **But is there any** bird **that does not have an olive-bulk of meat in its whole** body, **but in one limb it has an olive-bulk** of the combination of **a small amount of meat** together with **sinews and bones? Rav Sherevya said: Yes,** this is the case **with regard to** the ***kelanita*,**[B] a bird that is very small and scrawny.

HALAKHA

If one ate a kosher bird – אָכַל צִפּוֹר טְהוֹרָה: One who eats an entire live bird of a kosher species is punished with lashes for violating the prohibition of consuming an unslaughtered carcass, even if he ate less than an olive-bulk. If he ate the bird after it had died he is liable only if he ate an olive-bulk. If the entirety of the bird was an olive-bulk even though the amount of meat is less, he is still liable for the consumption of an unslaughtered carcass. Although the Gemara indicates that in these cases one is liable for violating the prohibition against eating a limb from a living animal, the later commentaries discuss how the ruling of the Rambam can be reconciled with the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:3, and *Leḥem Mishne* and *Ḥiddushei Rabbeinu Ḥayyim HaLevi al HaRambam* there).

BACKGROUND

***A fortiori* inference – קַל וָחוֹמֶר:** One of the fundamental principles of rabbinic exegesis, the *a fortiori* inference appears in all of the standard lists of exegetical principles. It is a principle of logical argumentation where a comparison is drawn between two cases, one more lenient and the other more stringent. The *a fortiori* inference asserts that if the *halakha* is stringent in a case where the ruling is usually lenient, then all the more so will it be stringent in a more stringent case. Likewise, if the *halakha* is lenient in a case where the ruling is not usually lenient, then it will certainly be lenient in a less stringent case. *A fortiori* argumentation appears in the Bible, and the Sages compiled lists of verses in which *a fortiori* inferences appear. For example: "If you have run with the foot-soldiers, and they have wearied you, how can you contend with horses?" (Jeremiah 12:5).

***Kelanita* – קְלָנִיתָא:** Various explanations have been offered for the origin of this term. It is possibly Greek for swallow or Persian for starling, but these birds do not fit the descriptions here. Some commentaries suggest that this is referring to a sea bird, e.g., the petrel, which is bony and scrawny and whose meat is tough and virtually inedible.

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אֵימָא סֵיפָא: חֲנָקָהּ וַאֲכָלָהּ – דִּבְרֵי הַכֹּל בְּכַזַּיִת. וְהָא קְלָנִיתָא עוֹף טָמֵא הוּא, וְאָמַר רַב: טְמֵאָה בֵּין בְּחַיֶּיהָ בֵּין בְּמִיתָתָהּ – בְּמַשֶּׁהוּ! אֶלָּא: כְּעֵין קְלָנִיתָא.

The Gemara challenges this answer that the *baraita* is referring to a *kelanita*. **Say the latter clause:** With regard to one who **strangled** the bird **and ate it, everyone agrees** that he is liable to receive lashes only if it had the volume of **an olive-bulk. But a *kelanita* is a non-kosher bird, and Rav says:** If one eats a whole **non-kosher** bird, **whether** he eats it **when it is alive or dead,**[H] he is punished with lashes **for** eating **any amount.** The Gemara answers: The *baraita* is not referring to an actual *kelanita*, but **rather** to a kosher species of bird **similar** to **a *kelanita*** in that it is small and scrawny.

אֲמַר רָבָא: אִם תִּמְצֵי לוֹמַר סָבַר רַבִּי מַחֲשָׁבָת אוֹכְלִין שְׁמָהּ מַחֲשָׁבָה, חִישֵׁב לְאוֹכְלָהּ אֵבָר אֵבָר, וַאֲכָלָהּ כּוּלָּהּ – חַיָּיב.

§ The Gemara above cited a dispute between Rabbi Yehuda HaNasi and Rabbi Elazar, son of Rabbi Shimon, with regard to one who eats an entire live kosher bird that is less than an olive-bulk. With regard to the opinion of Rabbi Yehuda HaNasi, who holds that an entire bird is not considered to be a limb and is therefore not included in the prohibition of eating a limb from a living animal, **Rava said: If you say** that **Rabbi** Yehuda HaNasi **holds** that **thought** with regard to **food is considered thought,** i.e., one's thoughts have halakhic significance in determining a food's status, then in a case where one **thought to eat** the bird **limb** by **limb, and** instead **ate it all** at once, Rabbi Yehuda HaNasi would hold that he is **liable** for transgressing the prohibition of eating a limb from a living animal.

אֲמַר לֵיהּ אַבַּיֵי: וּמִי אִיכָּא מִידֵי, דְּאִילּוּ אָכֵיל לֵיהּ אַחֵר – לָא מִיחַיַּיב, וְאָכֵיל לֵיהּ הַאי – מִיחַיַּיב? אֲמַר לֵיהּ: זֶה לְפִי מַחְשַׁבְתּוֹ וְזֶה לְפִי מַחְשַׁבְתּוֹ.

Abaye said to Rava: **But is there anything** with regard to which **if another** person **ate it he would not be liable, but** if **this** person **ate it he is liable?** Rava **said to** Abaye: There can be different outcomes for different people who perform the same act, as **this** individual's action is judged **according to his thought and that** individual's action is judged **according to his thought.**

וְאָמַר רָבָא: אִם תִּמְצֵי לוֹמַר סָבַר רַבִּי אֶלְעָזָר בַּר רַבִּי שִׁמְעוֹן מַחֲשָׁבַת אוֹכְלִין שְׁמָהּ מַחֲשָׁבָה, חִישֵׁב לְאוֹכְלָהּ מֵתָה, וַאֲכָלָהּ חַיָּה – פָּטוּר.

And Rava also **said: If you say** that **Rabbi Elazar bar Rabbi Shimon holds** that **thought** with regard to **food is considered thought,** then in a case where one at first **intended to eat** the entire bird after it had **died, but** ultimately he **ate it alive,** Rabbi Elazar bar Rabbi Shimon would hold that he is **exempt** from lashes, as according to his thought it does not stand to be divided into limbs while alive.

אֲמַר לֵיהּ אַבַּיֵי: וּמִי אִיכָּא מִידֵי, דְּאִילּוּ אָכֵיל לֵיהּ אַחֵר – מִיחַיַּיב, וְאָכֵיל לֵיהּ הַאי – פָּטוּר? אֲמַר לֵיהּ: זֶה לְפִי מַחְשַׁבְתּוֹ וְזֶה לְפִי מַחְשַׁבְתּוֹ.

Abaye said to Rava: **But is there anything that if another** person **ate it he would be liable, but if** this person **ate it he is exempt?** Rava **said to** Abaye: **This** individual's action is judged **according to his thought and that** individual's action is judged **according to his thought.**

אָמַר רַבִּי יוֹחָנָן: ״לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר״ – זֶה אֵבָר מִן הַחַי, ״וּבָשָׂר בַּשָּׂדֶה טְרֵפָה לֹא תֹאכֵלוּ״ – זֶה בָּשָׂר מִן הַחַי וּבָשָׂר מִן הַטְּרֵפָה.

§ The Gemara discusses the source of the prohibition of eating a limb from a living animal. **Rabbi Yoḥanan says: "You shall not eat the life with the flesh"** (Deuteronomy 12:23); **this** is the source for the prohibition of eating **a limb from a living** animal.[H] And the verse: **"And you shall not eat any flesh that is torn in the field"** (Exodus 22:30); **this** is the source for the prohibition of eating **flesh** severed **from the living**[H] **and flesh** severed **from a *tereifa*,** even if it is not an entire limb.

וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: ״לֹא תֹאכַל הַנֶּפֶשׁ עִם הַבָּשָׂר״ – זֶה אֵבָר מִן הַחַי וּבָשָׂר מִן הַחַי, ״וּבָשָׂר בַּשָּׂדֶה טְרֵפָה לֹא תֹאכֵלוּ״ – זֶה בָּשָׂר מִן הַטְּרֵפָה.

And Rabbi Shimon ben Lakish says: "You shall not eat the life with the flesh" (Deuteronomy 12:23); **this** is the source for the prohibitions of eating **a limb from a living** animal **and** of eating **flesh** severed **from the living.**[N] And the verse: **"And you shall not eat any flesh that is torn in the field"** (Exodus 22:30); **this** is the source for the prohibition of eating **flesh** severed **from a *tereifa*.**

HALAKHA

A non-kosher bird, whether when it is alive or dead – טְמֵאָה בֵּין בְּחַיֶּיהָ בֵּין בְּמִיתָתָהּ: One who eats an entire non-kosher entity is punished with lashes by Torah law. This is the *halakha* whether it was alive or dead, and even if its volume is less than that of a mustard seed, in accordance with the opinion of Rav (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 2:21).

This is a limb from a living animal – זֶה אֵבָר מִן הַחַי: The Sages learned as a tradition that when the Torah states: "You shall not eat the life with the flesh" (Deuteronomy 12:23), it is referring to a limb severed from a living animal. With regard to eating such a limb the Torah states that God told Noah: "Only flesh with its life, which is its blood, you shall not eat" (Genesis 9:4). This is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:1).

This is flesh severed from the living – זֶה בָּשָׂר מִן הַחַי: Flesh severed from the living is forbidden by the verse: "And you shall not eat any flesh that is torn in the field" (Exodus 22:30). Even if flesh is disconnected but remains within the animal, e.g., if one severs part of the animal's spleen or one kidney, and leaves it inside the animal, it is forbidden due to the prohibition of eating a limb from a living animal. This is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:10; *Shulḥan Arukh*, *Yoreh De'a* 62:2).

NOTES

This is a limb from a living animal and flesh severed from the living – זֶה אֵבָר מִן הַחַי וּבָשָׂר מִן הַחַי: According to Reish Lakish the prohibition of "You shall not eat" applies both to the term that immediately follows, "the life," which refers to the prohibition of eating a limb from a living animal, and also to the entire phrase "the life with the flesh," which prohibits flesh severed from the living (Rashi). The later authorities point out that this derivation is in accordance with Ibn Ezra's interpretive method to many verses (e.g., Genesis 2:8, 19, 20) where he states that sometimes a phrase draws one concept and the subsequent one, meaning that one phrase can refer both to the phrase that immediately follows as well as the phrase after that (*Halakhot Ketannot*).

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אָכַל אֵבֶר מִן הַחַי וּבָשָׂר מִן הַחַי, לְרַבִּי יוֹחָנָן – חַיָּיב שְׁתַּיִם, לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָכַל בָּשָׂר מִן הַחַי וּבָשָׂר מִן הַטְּרֵפָה, לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ – חַיָּיב שְׁתַּיִם, לְרַבִּי יוֹחָנָן – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָכַל אֵבֶר מִן הַחַי וּבָשָׂר מִן הַטְּרֵפָה – לְדִבְרֵי הַכֹּל חַיָּיב שְׁתַּיִם.

The Gemara clarifies the difference between these two opinions. If one **ate a limb from a living** animal **and flesh** severed **from the living,** then **according to** the opinion of **Rabbi Yoḥanan he is liable** to receive **two** sets of lashes but **according to** the opinion of **Rabbi Shimon ben Lakish he is liable** to receive **only one** set of lashes. Conversely, if one **ate flesh** severed **from the living and flesh** severed **from a *tereifa*,** then **according to** the opinion of **Rabbi Shimon ben Lakish he is liable** to receive **two** sets of lashes but **according to** the opinion of **Rabbi Yoḥanan he is liable to** receive **only one** set of lashes. If one **ate a limb from a living** animal **and flesh** severed **from a *tereifa*, everyone agrees** that he is **liable** to receive **two** sets of lashes.

וּרְמִינְהוּ:

And the Gemara **raises a contradiction** to the claim that everyone agrees that one who eats both a limb from a living animal and flesh severed from a *tereifa* is liable to receive two sets of lashes, based upon the following statement:

Perek **VII**
Daf **103** Amud **a**

אָכַל אֵבֶר מִן הַחַי מִן הַטְּרֵפָה, רַבִּי יוֹחָנָן אָמַר: חַיָּיב שְׁתַּיִם, וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אָמַר: אֵינוֹ חַיָּיב אֶלָּא אַחַת.

With regard to one who **ate a limb from a living** animal that is **a *tereifa*, Rabbi Yoḥanan says:** He is **liable** to receive **two** sets of lashes, **and Rabbi Shimon ben Lakish says: He is liable** to receive **only one** set of lashes.

בִּשְׁלָמָא לְרַבִּי יוֹחָנָן – נִיחָא, אֶלָּא לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ קַשְׁיָא!

The Gemara comments: **Granted, according to** the opinion of **Rabbi Yoḥanan,** this **works out well** because the prohibitions of eating a limb from a living animal and of eating flesh severed from a *tereifa* are derived from two different verses. **But according to** the opinion of **Rabbi Shimon ben Lakish,** it is **difficult;** why does he hold that the individual receives only one set of lashes?

אֲמַר רַב יוֹסֵף: לָא קַשְׁיָא, כָּאן – בִּבְהֵמָה אַחַת, כָּאן – בִּשְׁתֵּי בְּהֵמוֹת. בִּשְׁתֵּי בְּהֵמוֹת – מִיחַיַּיב שְׁתַּיִם, בִּבְהֵמָה אַחַת – פְּלִיגִי.

Rav Yosef said: This is **not difficult. Here** it is referring **to one animal,** but **there** it is referring **to two animals.** Rav Yosef clarifies: **In** a case of **two animals,** e.g., where one ate a limb from a living animal and flesh severed from a different animal that was a *tereifa*, everyone agrees that **he is liable** to receive **two** sets of lashes. But **in** a case where he ate from **one animal,** e.g., he ate a limb severed from a live *tereifa* animal, Rabbi Yoḥanan and Rabbi Shimon ben Lakish **disagree.**

בִּבְהֵמָה אַחַת בְּמַאי פְּלִיגִי? אָמַר אַבַּיֵי: כְּגוֹן שֶׁנִּטְרְפָה עִם יְצִיאַת רוּבָּהּ. מָר סָבַר: בְּהֵמָה בְּחַיֶּיהָ לְאֵבָרִים עוֹמֶדֶת, וְאִיסּוּר טְרֵפָה וְאִיסּוּר אֵבֶר בַּהֲדֵי הֲדָדֵי קָאָתוּ.

The Gemara asks: **With regard to** the case of **one animal, in what** case **do they disagree? Abaye said:** They disagree, **for example,** in a case where the animal **became a *tereifa* as the majority of it emerged** from its mother's womb. One **Sage,** Rabbi Yoḥanan, **holds** that **an animal,** even **during its life, stands to** be divided into **limbs,** and therefore each of its limbs is considered a separate entity; **and** here **the prohibition of** eating **a *tereifa* and the prohibition of** eating **a limb** from a living animal **come** into effect **at the same time.** Consequently, both prohibitions apply.

וּמָר סָבַר: בְּהֵמָה בְּחַיֶּיהָ לָאו לְאֵבָרִים עוֹמֶדֶת, וְלָא אָתֵי אִיסּוּר אֵבֶר וְחָייֵל אַאִיסּוּר טְרֵפָה.

And one **Sage,** Rabbi Shimon ben Lakish, **holds** that **during its life an animal does not stand** to be divided into **limbs.** Consequently, although the prohibition of eating a *tereifa* comes into effect when it is born, the prohibition of eating a limb from a living animal does not take effect until the limb is actually severed from the animal, **and** at that point **the prohibition of a limb** from a living animal **does not come and take effect upon the** already existing **prohibition of a *tereifa*.**

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וְאִיבָּעֵית אֵימָא, דְּכוּלֵי עָלְמָא – בְּהֵמָה בְּחַיֶּיהָ לָאו לְאֵבָרִים עוֹמֶדֶת, וּבְמִיתֵי אִיסּוּר אֵבָר מֵיחַל אַאִיסּוּר טְרֵפָה קָא מִיפַּלְגִי. מָר סָבַר: אָתֵי אִיסּוּר אֵבָר וְחָיֵיל אַאִיסּוּר טְרֵפָה. וּמָר סָבַר: לָא אָתֵי אִיסּוּר אֵבָר וְחָיֵיל אַאִיסּוּר טְרֵפָה.

And if you wish, say instead **that everyone agrees** that **during its life an animal does not stand** to be divided into **limbs, and they disagree with regard to** whether **the prohibition of a limb** from a living animal **comes and takes effect upon the** already existing **prohibition of a *tereifa*.** One **Sage,** Rabbi Yoḥanan, **holds** that **the prohibition of** eating **a limb** from a living animal, which applies to gentiles as well as to Jews, **comes and takes effect upon the** already existing **prohibition of** eating **a *tereifa*. And** one **Sage,** Rabbi Shimon ben Lakish, **holds** that **the prohibition of** eating **a limb** from a living animal **does not come and take effect upon the** already existing **prohibition of** eating **a *tereifa*.**

אִיבָּעֵית אֵימָא, דְּכוּלֵי עָלְמָא – בְּהֵמָה בְּחַיֶּיהָ לְאֵבָרִים עוֹמֶדֶת, וּכְגוֹן שֶׁנִּטְרְפָה לְאַחַר מִכָּאן, וּבְמִיתֵי אִיסּוּר טְרֵפָה חָיֵיל אַאִיסּוּר אֵבָר קָא מִיפַּלְגִי.

And **if you wish, say** instead **that everyone agrees** that **an animal,** even **during its life, stands to** be divided into **limbs, and** the dispute is about a case **where** the animal **became a *tereifa* afterward,** i.e., after it was born, **and they disagree** with regard to whether **the prohibition of a *tereifa* comes and takes effect upon the** already existing **prohibition of a limb** from a living animal.

מָר סָבַר: אָתֵי וְחָיֵיל. וּמָר סָבַר: לָא אָתֵי וְחָיֵיל.

One **Sage,** Rabbi Yoḥanan, **holds** that the prohibition of eating a *tereifa* **comes and takes effect** in addition to the already existing prohibition of eating a limb from a living animal. **And** one **Sage,** Rabbi Shimon ben Lakish, **holds** that the prohibition of eating a *tereifa* **does not come and take effect** in addition to the already existing prohibition of eating a limb from a living animal.

רָבָא אָמַר: כְּגוֹן שֶׁתָּלַשׁ מִמֶּנָּה אֵבָר וּטְרָפָהּ בּוֹ. מָר סָבַר: בְּהֵמָה בְּחַיֶּיהָ לְאֵבָרִים אֵינָהּ עוֹמֶדֶת, אִיסּוּר אֵבָר וְאִיסּוּר טְרֵפָה בַּהֲדֵי הֲדָדֵי קָאָתוּ.

Rava says an alternative explanation: This is referring to a case **where he severed a limb from** the animal **and** thereby **rendered** the animal **a *tereifa*.**[H] One **Sage,** Rabbi Yoḥanan, **holds** that **during its life, an animal does not stand to** be divided into **limbs.** Consequently, **the prohibition of a limb** from a living animal **and the prohibition of a *tereifa* come** into effect **at the same time.**

וּמָר סָבַר: בְּהֵמָה בְּחַיֶּיהָ לְאֵבָרִים עוֹמֶדֶת, וְלָא אָתֵי אִיסּוּר טְרֵפָה חָיֵיל אַאִיסּוּר אֵבָר.

And one **Sage,** Rabbi Shimon ben Lakish, **holds** that even **during its life, an animal stands to** be divided into **limbs,** and therefore the prohibition of eating a limb from a living animal takes effect when the animal is born. Consequently, **the prohibition of a *tereifa* does not come and take effect upon the** already existing **prohibition of a limb** from a living animal.

§ אָמַר רַבִּי חִיָּיא בַּר אַבָּא, אָמַר רַבִּי יוֹחָנָן: אָכַל חֵלֶב מִן הַחַי מִן הַטְּרֵפָה – חַיָּיב שְׁתַּיִם. אֲמַר לֵיהּ רַבִּי אַמִּי: וְלֵימָא מָר "שָׁלֹשׁ", שֶׁאֲנִי אוֹמֵר "שָׁלֹשׁ". אִיתְּמַר נַמִּי, אָמַר רַבִּי אַבָּהוּ, אָמַר רַבִּי יוֹחָנָן: אָכַל חֵלֶב מִן הַחַי מִן הַטְּרֵפָה חַיָּיב שָׁלֹשׁ.

§ **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says:** If one **ate** forbidden **fat from a living** animal that is **a *tereifa*[N]** he is **liable** to receive **two** sets of lashes. **Rabbi Ami said to him: But let the Master say** that he is liable to **three** sets of lashes, **because I say** that the correct version of Rabbi Yoḥanan's statement is that he is liable to **three** sets of lashes. It **was also stated: Rabbi Abbahu says** that **Rabbi Yoḥanan says:** If one **ate** forbidden **fat from a living** animal that is **a *tereifa*** he is **liable** to **three**[H] sets of lashes.

בְּמַאי קָמִיפַּלְגִי? כְּגוֹן שֶׁנִּטְרְפָה עִם יְצִיאַת רוּבָּהּ. מַאן דְּאָמַר שָׁלֹשׁ, קָסָבַר: בְּהֵמָה בְּחַיֶּיהָ לְאֵבָרִים עוֹמֶדֶת, דְּאִיסּוּר חֵלֶב וְאִיסּוּר אֵבָר וְאִיסּוּר טְרֵפָה בַּהֲדֵי הֲדָדֵי קָאָתוּ.

The Gemara asks: **With regard to what** principle **do** Rabbi Ḥiyya bar Abba and Rabbi Ami **disagree?** They disagree in a case **where** the animal **became a *tereifa* as the majority of it emerged** from its mother's womb; **the one who said** that he is liable to **three** sets of lashes **holds** that even **during its life an animal stands to** be divided into **limbs,** and each of its limbs is considered as a separate entity, **so that the prohibition of** eating forbidden **fat, the prohibition of** eating **a limb** from a living animal, **and the prohibition of** eating **a *tereifa* come** into effect **at the same time.**

וּמַאן דְּאָמַר שְׁתַּיִם קָסָבַר: בְּהֵמָה בְּחַיֶּיהָ לָאו לְאֵבָרִים עוֹמֶדֶת, וְאִיסּוּר חֵלֶב וְאִיסּוּר טְרֵפָה – אִיכָּא, אִיסּוּר אֵבָר – לָא אָתֵי חָיֵיל.

And the one who said that he is liable to **two** sets of lashes **holds** that **during its life, an animal does not stand to** be divided into **limbs,** i.e., its limbs are not considered separate entities while the animal is alive. Consequently, **the prohibition of** eating forbidden **fat and the prohibition of** eating **a *tereifa*** animal **apply,** as they came into effect at the same time, when the animal was born. By contrast, **the prohibition of** eating **a limb** from a living animal **does not come and take effect,** due to the fact that other prohibitions already apply.

HALAKHA

Where he severed a limb from it and rendered it a *tereifa* – שְׁתָּלַשׁ מִמֶּנָּה אֵבָר וּטְרָפָהּ בּוֹ: If one removes a limb from a living animal, thereby rendering the animal a *tereifa*, and then eats the limb, he is liable for the violation of two prohibitions: The consumption of a limb from a living animal and the consumption of a *tereifa*. This is because both prohibitions take effect simultaneously. This ruling is in accordance with Rava's explanation of Rabbi Yoḥanan's opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:5).

If one ate forbidden fat from a living animal that is a *tereifa* he is liable to three – אָכַל חֵלֶב מִן הַחַי מִן הַטְּרֵפָה חַיָּיב שָׁלֹשׁ: One who removes forbidden fat from a living animal, thereby rendering the animal a *tereifa*, and eats the fat, receives three sets of lashes: One for eating forbidden fat, one for eating a limb from a living animal, and one for eating meat from a *tereifa* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:5).

NOTES

If one ate forbidden fat from a living animal that is a *tereifa* – אָכַל חֵלֶב מִן הַחַי מִן הַטְּרֵפָה: Early commentaries dispute the meaning of this statement. Some write that it is referring to one who eats a kidney with its fat, as consumption of the kidney violates the prohibition of eating a limb from a living animal, and one would therefore be liable for a total of three violations: Eating a limb from a living animal, eating forbidden fat, and eating from a *tereifa*. When eating other forbidden fat that is not together with a limb, one would be liable for only two violations, as the prohibitions against eating flesh severed from a living animal and eating from a *tereifa* are both derived from the same verse and do not come into effect simultaneously (Ramban). Other early commentaries hold that the forbidden fat itself is defined as a limb, and when one consumes any forbidden fat he is liable for eating a limb from a living animal (Rashba; Rambam).

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וְאִי בָּעֵית אֵימָא: דְּכוּלֵי עָלְמָא – בְּהֵמָה בְּחַיָּיהָ לָאו לְאֵבָרִים עוֹמֶדֶת, וּבְמֵיתֵי אִיסּוּר אֵבָר וְחָיֵיל אַאִיסּוּר חֵלֶב וְאַאִיסּוּר טְרֵפָה קָא מִיפַּלְגִי. מָר סְבַר: אָתֵי חָיֵיל, וּמָר סְבַר: לָא אָתֵי חָיֵיל.

And if you wish, say instead **that everyone agrees** that **during its life an animal does not stand to** be divided into **limbs,** and each of its limbs is not considered as a separate entity. **But they disagree with regard to** whether **the prohibition of** eating **a limb** from a living animal **comes and takes effect upon the** already existing **prohibition of eating** forbidden **fat and the** already existing **prohibition of** eating **a *tereifa*.** One **Sage,** Rabbi Ami, **holds** that it does **come and take effect, and** one **Sage,** Rabbi Ḥiyya bar Abba, **holds** that **it does not come and take effect.**

וְאִי בָּעֵית אֵימָא: דְּכוּלֵי עָלְמָא – בְּהֵמָה בְּחַיָּיהָ לְאֵבָרִים עוֹמֶדֶת, וּכְגוֹן שֶׁנִּטְרְפָה לְאַחַר מִכָּאן, וּבְמֵיתֵי אִיסּוּר טְרֵפָה מֵיחַל אַאִיסּוּר אֵבָר קָא מִיפַּלְגִי.

And if you wish, say instead **that everyone agrees** that **during its life an animal stands to** be divided into **limbs, and** it is a case **where** the animal **became a *tereifa* afterward,** i.e., after it was born; **and they disagree with regard to** whether **the prohibition of** eating **a *tereifa* comes and takes effect upon the** already existing **prohibition of** eating **a limb** from a living animal.

מָר סְבַר: אָתֵי חָיֵיל, מִידֵּי דַּהֲוָה אַחֵלֶב. דַּאֲמַר מָר: הַתּוֹרָה אָמְרָה, יָבֹא אִיסּוּר נְבֵלָה וְיָחוֹל עַל אִיסּוּר חֵלֶב, וְיָבֹא אִיסּוּר טְרֵפָה וְיָחוֹל עַל אִיסּוּר חֵלֶב.

One **Sage,** Rabbi Ami, **holds** that it does **come and take effect, just as is** the *halakha* **with** forbidden **fat. As the Master said** that in the verse: "And the fat of a carcass, and the fat of a *tereifa* may be used for any other service; but you shall in no way eat of it" (Leviticus 7:24), **the Torah said: Let the prohibition of** eating **a carcass come and take effect upon the prohibition of** eating forbidden **fat,** despite the fact that the prohibition of forbidden fat came into effect first. **And** similarly, the word "*tereifa*" teaches: **Let the prohibition of** eating **a *tereifa* come and take effect upon the prohibition of** eating forbidden **fat.** Consequently, one who eats forbidden fat from a *tereifa* is liable to receive two sets of lashes. Rabbi Ami holds that just as the prohibition of eating a *tereifa* takes effect in addition to the prohibition of eating forbidden fat, it also takes effect in addition to the prohibition of eating a limb from a living animal.

וְאִידָךְ – אַחֵלֶב הוּא דְּחַיָּיב, דְּהוּתַּר

And the other Sage, Rabbi Ḥiyya bar Abba, holds **that it is** only the prohibition of eating forbidden **fat for which he is liable** in addition to being liable for the prohibition of eating a *tereifa*. The prohibition of eating a *tereifa* takes effect in addition to the prohibition of eating forbidden fat **because** with regard to the latter, there are **permitted** circumstances that serve as exceptions

Perek **VII**
Daf **103** Amud **b**

מִכְּלָלוֹ. אֵבֶר אֵבֶר, דְּלָא הוּתַּר מִכְּלָלוֹ – לָא.

to its general prohibition, as the fat of an undomesticated animal is permitted. **But** with regard to **a limb** from a living animal, **where** there are **no permitted** circumstances to **its general prohibition,** the prohibition of consuming a *tereifa* does **not** take effect.

כִּי אֲתָא רַב דִּימִי אֲמַר, בְּעָא מִינֵּיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ מֵרַבִּי יוֹחָנָן: חִלְּקוֹ מִבַּחוּץ מַהוּ? אֲמַר לֵיהּ: פָּטוּר.

§ The Gemara continues its discussion of the prohibition against eating a limb from a living animal. **When Rav Dimi came** from Eretz Yisrael to Babylonia, **he said: Rabbi Shimon ben Lakish inquired of Rabbi Yoḥanan:** If one took from a living animal a limb that was an olive-bulk and **divided it** into two pieces **when it was outside** his mouth and ate each piece separately, **what is** the *halakha*?[N] Rabbi Yoḥanan **said to him:** He is **exempt.**

NOTES

If one took a limb and divided it when it was outside his mouth, what is the *halakha* – חִלְּקוֹ מִבַּחוּץ מַהוּ: Rashi explains the question as follows: Do the two pieces combine to total a full olive-bulk, similar to other prohibitions, where one is considered to have eaten a full olive-bulk even if he ate the pieces in separate bites, as long as he ate them in close proximity to each other? Or perhaps, since the prohibition of eating a limb from a living animal is novel in that one is liable for eating sinews and bones, perhaps one is liable only for eating an olive-bulk all at once.

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מִבִּפְנִים מַאי? אֲמַר לֵיהּ: חַיָּיב.

Reish Lakish then asked Rabbi Yoḥanan: If he placed an olive-bulk of a limb from a living animal **inside** his mouth and then divided it and swallowed the two parts separately, **what** is the *halakha*?[H] Rabbi Yoḥanan **said to him:** He is **liable** to receive lashes.

כִּי אֲתָא רָבִין אֲמַר, חִלְּקוֹ מִבַּחוּץ – פָּטוּר. מִבִּפְנִים – רַבִּי יוֹחָנָן אָמַר: חַיָּיב, וְרֵישׁ לָקִישׁ אָמַר: פָּטוּר.

When Ravin came from Eretz Yisrael to Babylonia he **said** an alternative version of this discussion. If one took from a living animal a limb that was an olive-bulk and **divided it** into two pieces **when it was outside** his mouth, and he then ate each piece separately, he is **exempt.** If he divided the limb into two parts **inside** his mouth, **Rabbi Yoḥanan says** that he is **liable, and Reish Lakish says** that he is **exempt.**

רַבִּי יוֹחָנָן אָמַר חַיָּיב – הֲרֵי נֶהֱנָה גְּרוֹנוֹ בְּכַזַּיִת. וְרֵישׁ לָקִישׁ אָמַר פָּטוּר – אֲכִילָה בְּמֵעָיו בָּעֵינַן, וְלֵיכָּא!

Rabbi Yoḥanan says he is **liable** because his **throat derives pleasure from an olive-bulk** of a limb from a living animal. **And Reish Lakish says** that he is **exempt** because in order to be liable **we require** an act of **eating** that contains the requisite amount, i.e., an olive-bulk, when it enters **his stomach, and** in this case **there is not** a full olive-bulk that enters his stomach at one time.

אֶלָּא, לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ, הֵיכִי מַשְׁכַּחַתְּ לָהּ דְּמִתְחַיֵּיב? אֲמַר רַב כָּהֲנָא: בְּגִרּוֹמִיתָא זְעֵירְתָּא.

The Gemara asks: According to the opinion of Rabbi Yoḥanan it is clear how one can be liable for eating an olive-bulk of a limb from a living animal. **But according to Rabbi Shimon ben Lakish, how can you find** a case **where** one will **be liable** for eating a limb from a living animal, since the food is generally broken up before he swallows it? **Rav Kahana said:** One would be liable **in** a case where he eats **a small bone**[BN] that contains an olive-bulk of meat, bone and sinew all together, and that he can swallow whole.

וְרַבִּי אֶלְעָזָר אָמַר: אֲפִילּוּ חִלְּקוֹ מִבַּחוּץ – נַמִּי חַיָּיב, מְחוּסַּר קְרִיבָה, לָאו כִּמְחוּסַּר מַעֲשֶׂה דָּמֵי.

As quoted above, Rabbi Yoḥanan and Reish Lakish agree that if one divides a limb from a living animal before placing it in his mouth, he is not liable for eating it. The Gemara adds: **But Rabbi Elazar says: Even** if one **divided** the limb **outside** his mouth he is **liable.**[H] This is because the fact that the two pieces are **lacking** in **proximity** to each other as they are placed in one's mouth is **not comparable to lacking an action,** i.e., it is not comparable to a case where he ate only half an olive-bulk. Since he ate an entire olive-bulk, he is liable.

אָמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: כַּזַּיִת שֶׁאָמְרוּ – חוּץ מִשֶּׁל בֵּין הַשִּׁינַּיִם. וְרַבִּי יוֹחָנָן אָמַר: אַף עִם בֵּין הַשִּׁינַּיִם.

§ The Gemara cites another dispute between Rabbi Yoḥanan and Reish Lakish pertaining to the measure of an olive-bulk with regard to prohibitions involving eating. **Rabbi Shimon ben Lakish says:** The **olive-bulk** of **which** the Sages **spoke** with regard to prohibitions involving eating is measured by the food one actually swallows, **aside from** the food that remains stuck **between the teeth. And Rabbi Yoḥanan says** that it includes **even** the food that remains stuck **between the teeth.**

אָמַר רַב פַּפָּא: בְּשֶׁל בֵּין שִׁינַּיִם – דְּכוּלֵּי עָלְמָא לָא פְּלִיגִי, כִּי פְּלִיגִי – בֵּין הַחֲנִיכַיִּים. מָר סָבַר – הֲרֵי נֶהֱנָה גְּרוֹנוֹ בְּכַזַּיִת, וּמָר סָבַר – אֲכִילָה בְּמֵעָיו בָּעֵינַן.

In explanation of this dispute, **Rav Pappa says:** With regard to food **that** remains stuck **between** the **teeth,**[H] **everyone agrees** that it is not included in measuring an olive-bulk that would render one liable to receive lashes. **When they disagree** it is with regard to food that remains **on the palate,** which one tastes but does not swallow. One **Sage,** Rabbi Yoḥanan, **holds** that since **his throat derives pleasure from an olive-bulk,** i.e., he tastes the full olive-bulk, he is liable. **And** one **Sage,** Reish Lakish, **holds** that in order to be liable, **we require** an act of **eating** that contains the requisite amount, i.e., an olive-bulk, when it enters **his stomach.**

HALAKHA

Inside, what is the *halakha* – מִבִּפְנִים מַאי: If one takes an olive-bulk of a limb from a living animal, with its meat, bones and sinews, and eats it, he is liable, even though it is broken up in his mouth before he swallows it. This ruling is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:4).

Even if one divided it outside he is liable – חִלְּקוֹ מִבַּחוּץ נַמִּי חַיָּיב: In a case where one takes a limb from a living animal and divides it, so that he eats it in small amounts, if the total amount of flesh consumed equals an olive-bulk, he is liable. If it is not, he is exempt. This ruling is in accordance with the opinion of Rabbi Elazar (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 5:4).

That remains between the teeth – בְּשֶׁל בֵּין שִׁינַּיִם: One is liable for all prohibitions of eating by Torah law if he eats an olive-bulk, which is measured with a medium-sized olive. This measure is used whether the punishment is lashes, *karet*, or death at the hand of Heaven. This olive-bulk does not include what remains stuck between one's teeth. Nevertheless, any food that remains on the palate does combine with whatever was swallowed to make an olive-bulk, since his throat derived benefit from it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:3).

BACKGROUND

Small bone – גְּרוֹמִיתָא זְעֵירְתָּא: This term refers to a bone above the femur, which, counted together with the flesh and nerve located there, constitutes an olive-bulk. It is not normally chewed but swallowed whole (Rashi).

NOTES

A small bone – גְּרוֹמִיתָא זְעֵירְתָּא: The later commentaries note that Rav Kahana's statement indicates that one who eats forbidden food is liable for swallowing even without chewing. In addition, it teaches that consuming food in this manner is not considered unusual, as if it were, one would not be liable (*Minḥat Ḥinnukh*; *Noda BiYehuda*; *Dovev Meisharim*). Similarly the early authorities explain that one who swallows forbidden fat without chewing is liable (*Tosefot Rid*).

By contrast, other later commentaries write that one cannot derive liability for swallowing forbidden food items without chewing them from the specific *halakha* of eating a limb from a living animal. Since that is a unique *halakha*, as Rashi explains, it is possible that this principle applies only to eating a limb from a living animal, but that consumption in this manner of other forbidden food would not render one liable (Rabbi Akiva Eiger). Others distinguish between a type of food that requires chewing and a type of food that does not require chewing but is normally swallowed whole, such as the small bone referenced here (*Yosef Da'at*).

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אָמַר רַבִּי אַסִי אָמַר רַבִּי יוֹחָנָן: אָכַל חֲצִי זַיִת וְהֶקִיאוֹ, וְחָזַר וְאָכַל חֲצִי זַיִת אַחֵר – חַיָּיב. מַאי טַעְמָא? הֲרֵי נֶהֱנָה גְּרוֹנוֹ בִּכְזַיִת.

§ The Gemara quotes another related ruling of Rabbi Yoḥanan: **Rabbi Asi says** that **Rabbi Yoḥanan says:** If one **ate half an olive-bulk** of a forbidden food **and vomited it, and then ate**[H] **another half an olive-bulk,** he is **liable. What is the reason?** It is **because his throat derives pleasure from an olive-bulk** of the forbidden food, even though the full olive-bulk did not actually enter his stomach.

בְּעָא רַבִּי אֶלְעָזָר מֵרַבִּי אַסִי: אָכַל חֲצִי זַיִת וְהֶקִיאוֹ, וְחָזַר וַאֲכָלוֹ, מַהוּ? מַאי קָא מִיבָּעֲיָא לֵיהּ? אִי הָוֵי עִיכּוּל אִי לָא הָוֵי עִיכּוּל, וְתִיבָּעֵי לֵיהּ כַּזַּיִת!

Rabbi Elazar raised a dilemma before Rabbi Asi: If one **ate half an olive-bulk** of forbidden food **and vomited it, and then ate it** again, **what is** the *halakha*? The Gemara clarifies: **What is the dilemma he is raising? If** it is about whether the half-olive-bulk that he ate and vomited up **is** considered to have been **digested,** in which case it is no longer considered food, **or whether it is not** considered to have been **digested, let him raise the dilemma** with regard to an entire **olive-bulk.** If one eats an entire olive-bulk and vomits it and then eats it again, if the food is considered not to have been digested the first time, he is liable to be flogged twice.

אֶלָּא, אִי בָּתַר גְּרוֹנוֹ אָזְלִינַן אִי בָּתַר מֵעָיו אָזְלִינַן. וְתִפְשׁוֹט לֵיהּ מִדְּרַבִּי אַסִי!

Rather, his dilemma must be about **whether we follow the throat or whether we follow the stomach** in measuring how much forbidden food one has swallowed. That being the case, **let him resolve** the dilemma **from** that **which Rabbi Asi** said that Rabbi Yoḥanan said, which indicates that we follow the throat.

רַבִּי אַסִי גְּמָרֵיהּ אִיעַקַּר לֵיהּ, וַאֲתָא רַבִּי אֶלְעָזָר לְאַדְכּוּרֵיהּ, וְהָכִי קָאָמַר לֵיהּ: לָמָּה לִי חֲצִי זַיִת אַחֵר, לֵימָא מָר בְּדִידֵיהּ, דְּאִיכָּא לְמִשְׁמַע מִינָּהּ תַּרְתֵּי, שָׁמְעִינַן מִינָּהּ – דְּלָא הָוֵי עִיכּוּל, וְשָׁמְעִינַן מִינָּהּ – דַּהֲרֵי נֶהֱנָה גְּרוֹנוֹ בִּכְזַיִת!

The Gemara explains that Rabbi Elazar knew the answer to his question, but **Rabbi Asi forgot the statement** that he had learned from Rabbi Yoḥanan, **and Rabbi Elazar came to remind him** of what he had known previously. **And this is what** Rabbi Elazar was **saying to him: Why do I** need the case where he swallows **another half an olive-bulk? Let the Master** teach this ruling **in** a case where he swallows **the same** half-olive-bulk he had swallowed previously and vomited, **as two** principles **can be derived from** the ruling in **that** case: **We** can **learn from it that** the food **was not** considered to have been **digested** the first time he swallowed it, **and we** can **learn from it that** since **his throat derives pleasure from** a full **olive-bulk,** he is liable.

אִישְׁתִּיק וְלָא אֲמַר לֵיהּ וְלָא מִידֵּי, אֲמַר לֵיהּ: מוֹפֶת הַדּוֹר, לָא זִימְנִין סַגִּיאִין אָמְרַתְּ קַמַּיהּ דְּרַבִּי יוֹחָנָן, וַאֲמַר לָךְ: הֲרֵי נֶהֱנָה גְּרוֹנוֹ בִּכְזַיִת.

הדרן עלך גיד הנשה

Rabbi Asi **was silent and did not say anything.** Rabbi Elazar **said to him: Wonder of the generation,**[B] **did you not say** this case **many times before Rabbi Yoḥanan, and he said to you:** This person is liable **because his throat derives pleasure from** a full **olive-bulk?**

HALAKHA

Ate half an olive-bulk and vomited it, and then ate, etc. – אָכַל חֲצִי זַיִת וְהֶקִיאוֹ וְחָזַר וְאָכַל וכו׳: If one eats half an olive-bulk and vomits it, and then eats that same half-olive-bulk again, he is liable, because the punishment is based upon whether one's palate derives benefit from an olive-bulk of forbidden food (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:3).

BACKGROUND

Wonder [*mofet*] of the generation – מוֹפֶת הַדּוֹר: This title of honor describes the greatest person in that generation (see Rabbeinu Gershom Meor HaGola; Rashi). This title is taken from the phrase used in the Second Temple era: "Hear now, O Joshua the High Priest, you and your fellows that sit before you, for they are men that are a sign [*mofet*]; for behold, I will bring forth My servant the Shoot" (Zechariah 3:8).

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Summary of **Perek VII**

The main topic of this chapter was a single mitzva: The prohibition of eating the sciatic nerve, with its definition and details. The Gemara's conclusion was that this mitzva applies at all times and in all places. It also applies equally to consecrated animals and to non-consecrated animals, and to the sciatic nerve of both the right and left thighs. The prohibition applies only with regard to animals, not to birds.

The Gemara defined precisely where in the leg the forbidden nerve is located. It also ruled that in addition to removing the nerve itself, the surrounding fats must also be removed. Even though there were different customs, the conclusion is that the entire nerve must be removed, as well as all extensions of it, even though they may not be technically forbidden.

The Gemara also discussed various membranes that must be removed from animals. Some are removed because they contain forbidden fats and others because they contain large amounts of blood. It also became common practice over the generations to remove other small sinews and membranes that are considered disgusting.

The only prohibition concerning the sciatic nerve is the prohibition of eating it. Although the Sages said that the sciatic nerve is tough and generally considered inedible, one who eats it is liable to receive lashes.

Apropos the discussion about the sciatic nerve, and particularly the case of a thigh that is cooked with the sciatic nerve still inside, the Gemara discussed the principles of nullification of forbidden food. The sciatic nerve is among the forbidden foods that, when cooked with permitted food, render the entire mixture forbidden if they impart taste to it. This can be discerned by tasting the mixture, but since the mixture may be forbidden, it can be given to a gentile expert to taste. Nevertheless, since there are some foods whose taste is difficult to discern in a mixture, in practice it is customary to assume that if there is less than sixty times as much permitted food as there is forbidden food, the mixture is forbidden.

It is permitted to give a gentile an animal leg with the forbidden sciatic nerve still inside, as there is no concern that he will subsequently come to sell it to a Jew who would eat it without removing the nerve. This applies even in a locale where it is permitted for a Jew to purchase slaughtered meat from a gentile. The reason is that since the thigh is whole, it is obvious that the nerve has not been removed and the purchaser would know not to eat it.

This chapter included a discussion of whether a prohibition takes effect where another prohibition already exists. Can another prohibition apply to a food that is already prohibited, or does the second prohibition have no effect? As this is a general topic with many applications, it is discussed in other tractates as well. In this chapter, a distinction was drawn between different types of prohibitions. Although in most

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cases a prohibition does not take effect where another already exists, some prohibitions do take effect on food that is already forbidden if they add extra stringencies or increase the degree of prohibition on the food.

These were the main concepts discussed in this chapter. As in all chapters of the Talmud there were also many tangential discussions.

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Introduction to **Perek VIII**

The choicest first fruits of your land you shall bring into the house of the Lord your God. You shall not cook a kid in its mother's milk.

(Exodus 23:19)

The choicest first fruits of your land you shall bring into the house of the Lord your God. You shall not cook a kid in its mother's milk.

(Exodus 34:26)

You shall not eat of any animal carcass; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God. You shall not cook a kid in its mother's milk.

(Deuteronomy 14:21)

The Torah proscribes cooking meat in milk on three separate occasions. In all three instances, the prohibition is formulated in terms of cooking a kid in its mother's milk. The halakhic tradition passed down from generation to generation as a *halakha* transmitted to Moses from Sinai is that these verses are all referring to a general prohibition against cooking meat and milk together. The Torah's repetition of the injunction three times teaches that not only is the act of cooking the two substances together prohibited, but also that if one did so, the cooked dish is then prohibited for both consumption and benefit.

The wording of the prohibition gives rise to several questions with regard to the scope of the prohibition. One can ask whether the Torah is referring to the meat of all animals, including undomesticated animals and birds, and perhaps even fish, or whether it is referring only to the meat of domesticated animals like kids, the animal mentioned in the verse. It must also be determined whether only milk itself is included in the prohibition or if derivative milk products are included as well.

A unique aspect of the prohibition against cooking meat in milk is that each ingredient is permitted for consumption by itself; only when they are cooked together are they prohibited. Consequently, even placing the two substances side by side is considered problematic, as it could lead to transgression. This chapter discusses the extent to which meat must be kept separate from milk in order to prevent people from unwittingly violating the prohibition.

The chapter discusses other significant issues relating to this prohibition as well. What is the definition of cooking in this context? What is the requisite ratio between the two substances that renders them prohibited? In which cases are mixtures of meat and milk considered forbidden? Another issue that requires clarification is whether it is permissible to consume animal udders, which contain both meat and milk, and what is the correct manner of preparing them. In addition, the chapter deals with whether it is permissible and how to properly curdle milk, since it was typically curdled by using congealed milk from a nursing animal's stomach or even skin of the stomach itself as a coagulant. These issues constitute the main topics of this chapter.

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מתני׳ כָּל הַבָּשָׂר אָסוּר לְבַשֵּׁל בְּחָלָב – חוּץ מִבְּשַׂר דָּגִים וַחֲגָבִים. וְאָסוּר לְהַעֲלוֹת עִם הַגְּבִינָה עַל הַשֻּׁלְחָן – חוּץ מִבְּשַׂר דָּגִים וַחֲגָבִים.

MISHNA It is **prohibited to cook**[N] **any meat** of domesticated and undomesticated animals and birds **in milk, except for the meat of fish and grasshoppers,**[BH] whose halakhic status is not that of meat. **And** likewise, the Sages issued a decree that it is **prohibited to place** any meat together **with** milk products, e.g., **cheese, on** one **table.**[H] The reason for this prohibition is that one might come to eat them after they absorb substances from each other. This prohibition applies to all types of meat, **except for the meat of fish and grasshoppers.**

NOTES

It is prohibited to cook – אָסוּר לְבַשֵּׁל: There are three prohibitions concerning meat with milk: Cooking meat together with milk, eating the meat or milk that was cooked with the other, and deriving benefit from the meat or milk that was cooked with the other. Cooking meat together with milk is counted as a Torah prohibition (Rambam *Sefer HaMitzvot*, prohibition 186; *Smag*, prohibition 140; *Sefer HaḤinnukh*, positive mitzva 92), and one who cooks meat together with milk is liable to receive lashes, just like one who transgresses any other regular prohibition (see 108b; *Tosefta*, *Makkot* 4:7; Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:1).

HALAKHA

Except for the meat of fish and grasshoppers – חוּץ מִבְּשַׂר דָּגִים וַחֲגָבִים: The prohibition of meat cooked in milk does not apply to the meat of fish and grasshoppers even by rabbinic law, and therefore they may be eaten together with milk. This ruling is in accordance with the Rambam's interpretation of the mishna, that when the mishna excludes the meat of fish and grasshoppers, it excludes them from the prohibition of eating them when cooked with milk. The mishna uses the term cooking due to the wording of the verse (Exodus 23:19): "You shall not cook a kid in its mother's milk" (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:5, and see *Maggid Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 87:3).

And it is prohibited to place meat with cheese on one table – וְאָסוּר לְהַעֲלוֹת עִם הַגְּבִינָה עַל הַשֻּׁלְחָן: One may not place the meat of animals on the same table upon which he is eating cheese, lest he come to consume them together. This restriction also applies to meat of birds, despite the fact that the prohibition against consuming such meat with milk is by rabbinic law only, and the Sages do not issue one decree to prevent violation of another decree (Rambam). One may arrange the two dishes side by side on a table used for preparing them but on which one does not intend to eat them (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:20; *Shulḥan Arukh*, *Yoreh De'a* 88:1).

BACKGROUND

Grasshoppers [*ḥagavim*] – חֲגָבִים: Although in the Bible *ḥagavim* refers to a particular species of grasshopper, in the language of the Sages it is used as an umbrella term for a large group of grasshoppers with long hind legs, short antennae, and a body that is flattened on the sides. The narrow and hard upper wings of these creatures cover its wider, softer lower wings. These animals move primarily by means of gentle hops and occasionally fly. As indicated by their name, grasshoppers live mainly among weeds, from which they receive their sustenance. Some grasshoppers are permitted for consumption, as it states: "Yet these you may eat of all winged swarming things that go upon all fours, which have jointed legs above their feet, with which to leap upon the earth" (Leviticus 11:21). These include "the locust after its kinds, and the bald locust after its kinds, and the cricket after its kinds, and the grasshopper after its kinds" (Leviticus 11:22), although the identity of these creatures is uncertain (see also 59a, 65a).

הַנּוֹדֵר מִן הַבָּשָׂר – מוּתָּר בִּבְשַׂר דָּגִים וַחֲגָבִים.

And **one who takes a vow** that **meat** is prohibited to him is **permitted to** eat **the meat of fish and grasshoppers.**

גמ׳ הָא עוֹף אָסוּר מִדְּאוֹרַיְיתָא, כְּמַאן – דְּלָא כְּרַבִּי עֲקִיבָא, דְּאִי רַבִּי עֲקִיבָא, הָאֲמַר: חַיָּה וְעוֹף אֵינוֹ מִן הַתּוֹרָה.

GEMARA Since the mishna does not distinguish between the meat of animals and that of birds, it may **consequently** be inferred that the meat of **birds** cooked in milk is **prohibited by Torah law,** just like the meat of animals. **In accordance with whose** opinion is this ruling? It is **not in accordance with** the opinion of **Rabbi Akiva, as, if** you say it is in accordance with the opinion of **Rabbi Akiva, didn't he say** that the prohibition of the meat of **undomesticated animals and birds** cooked in milk **is not by Torah law?**

אֵימָא סֵיפָא: הַנּוֹדֵר מִן הַבָּשָׂר – מוּתָּר בִּבְשַׂר דָּגִים וַחֲגָבִים. הָא עוֹף – אָסוּר, אֲתָאן לְרַבִּי עֲקִיבָא, דַּאֲמַר: כָּל מִילֵּי דִּמְיַמְּלִיךְ עֲלֵיהּ שָׁלִיחַ – בַּר מִינֵיהּ הוּא.

The Gemara continues: But **say the latter clause** of the mishna: **One who takes a vow** that **meat** is forbidden to him[H] is **permitted to** eat **the meat of fish and grasshoppers.** It may **consequently** be inferred that it is **prohibited** for him to eat **birds.** If so, here **we arrive at** the opinion of **Rabbi Akiva, who said: Anything about which an agent** sent to purchase a given item **would inquire,** being unsure whether it qualifies as that type of item, **is** considered **its type.**[N]

HALAKHA

One who takes a vow that meat is forbidden to him – הַנּוֹדֵר מִן הַבָּשָׂר: With regard to one who takes a vow that meat is forbidden to him, it is prohibited for him to eat the meat of birds but it is permitted for him to eat the meat of grasshoppers. If the circumstances of his vow indicate that he had only the meat of animals in mind, it is permitted for him to eat the meat of fish and the meat of birds (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 9:6, and see *Kesef Mishne*, *Leḥem Mishne*, and Radbaz there; *Shulḥan Arukh*, *Yoreh De'a* 217:8, and in the comment of Rema).

NOTES

Anything about which an agent would inquire whether it is its type – כָּל מִילֵּי דִּמְיַמְּלִיךְ עֲלֵיהּ שָׁלִיחַ בַּר מִינֵיהּ הוּא: Some of the early commentaries limit the application of this principle to those cases where the one appointing the agent referred to a general term, similar to vegetables, as in the example in the mishna.

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BACKGROUND

Gourds – דְּלוּעִין: The term gourds includes a large number of plants that generally grow in warm regions, the best known being zucchini, pumpkin, and watermelon.

The Ran cites two explanations for the fact that gourds are not considered vegetables. One approach is that the term vegetables in this context refers to leaves or other edible parts of a plant, and not its fruit; gourds are fruits. Later commentaries discuss whether edible roots and bulbs are in the category of vegetables. A second explanation is that vegetables are eaten raw, while gourds are eaten only cooked. There are certain difficulties with each of these explanations, and some commentaries combine the two approaches into a single definition. The Rid explains that in common parlance, the term vegetables refers to both edible leaves, whether eaten raw, e.g., lettuce, or cooked, e.g., spinach, and to fruits of plants that grow in the ground and are eaten uncooked. Gourds are fruits that are eaten exclusively after cooking and therefore are not in that category. In the Jerusalem Talmud, it is stated that this applies only to the Egyptian gourd, which is not eaten raw at all. However, even the Rabbis concede that the Greek gourd, which is softer and eaten raw, is included in the category of vegetables.

Legumes – קְטָנִית: The legume, from the family Fabaceae, includes peas, beans, and chickpeas. The term legumes is also used generally to refer to the small produce of many plants, such as lentils.

דְּתַנְיָא: הַנּוֹדֵר מִן הַיָּרָק – מוּתָּר בִּדְלוּעִין, וְרַבִּי עֲקִיבָא אוֹסֵר. אָמְרוּ לוֹ לְרַבִּי עֲקִיבָא: וְהָלֹא אוֹמֵר אָדָם לְשֻׁלּוּחוֹ ״קַח לָנוּ יָרָק״, וְהוּא אוֹמֵר ״לֹא מָצָאתִי אֶלָּא דְּלוּעִין״!

As it is taught in a mishna (*Nedarim* 54a): **One who takes a vow** that **vegetables** are forbidden to him[H] **is permitted to** eat **gourds,**[B] as people do not typically consider gourds a type of vegetable, **but Rabbi Akiva deems** it **prohibited** for him to eat gourds. The Rabbis **said to Rabbi Akiva: But** it is a common occurrence that **a person says to his agent: Purchase vegetables for us, and** the agent, after failing to find vegetables, returns and **says: I found only gourds.** This indicates that gourds are not considered vegetables.

אָמַר לָהֶן: כֵּן הַדָּבָר, כְּלוּם אוֹמֵר ״לֹא מָצָאתִי אֶלָּא קִטְנִית״? אֶלָּא שֶׁדְּלוּעִין בִּכְלַל יָרָק, וְאֵין קִטְנִית בִּכְלַל יָרָק. רֵישָׁא רַבָּנַן וְסֵיפָא רַבִּי עֲקִיבָא!

Rabbi Akiva **said to them: The matter is so,** and that proves that my opinion is correct. **Does** the agent return and **say: I found only legumes?**[B] **Rather,** it is evident **that gourds are included in** the category of **vegetables,** although they differ from other vegetables, and therefore, the agent explains that he found only gourds, and asks whether he should purchase them. **But legumes are not included in** the category of **vegetables,** and that is why an agent would not even ask about them. Therefore, Rabbi Akiva should also hold that one who takes a vow that meat is forbidden to him is prohibited from eating birds. And if so, **the first clause** of the mishna is in accordance with the opinion of **the Rabbis,** who disagree with Rabbi Akiva, **and the latter clause** is in accordance with the opinion of **Rabbi Akiva.**

אֲמַר רַב יוֹסֵף: רַבִּי הִיא, וְנָסֵיב לָהּ אַלִּיבָּא דְּתַנָּאֵי, בְּנֶדָרִים – סְבַר לָהּ כְּרַבִּי עֲקִיבָא, בְּבָשָׂר בְּחָלָב – סְבַר לָהּ כְּרַבָּנַן.

Rav Yosef said: That is not difficult. The entire mishna **is** in accordance with the opinion of **Rabbi** Yehuda HaNasi, **and he formulates** the mishna **according to** the opinions of different ***tanna'im.*** In the latter clause, **with regard to vows, he holds in accordance with** the opinion of **Rabbi Akiva,** whereas in the first clause, **with regard to meat** cooked **in milk, he holds in accordance with** the opinion of **the Rabbis.**

רַב אַשִׁי אָמַר: כּוּלָּהּ רַבִּי עֲקִיבָא הִיא, וְהָכִי קָאָמַר: כָּל הַבָּשָׂר אָסוּר לְבַשֵּׁל בְּחָלָב, מֵהֶן מִדִּבְרֵי תוֹרָה, וּמֵהֶן מִדִּבְרֵי סוֹפְרִים, חוּץ מִבְּשַׂר דָּגִים וַחֲגָבִים – שֶׁאֵינָם לֹא מִדִּבְרֵי תוֹרָה וְלֹא מִדִּבְרֵי סוֹפְרִים.

Rav Ashi said a different explanation: **The entire** mishna **is** in accordance with the opinion of **Rabbi Akiva,** as indicated by the latter clause, concerning vows. **And** as for the first part of the mishna, **this** is what it **is saying:** It is **prohibited to cook any meat** cooked **in milk, some** types **of** meat **by Torah law,**[H] i.e., that of domesticated animals, **and some** types **of** meat **by rabbinic law,**[H] i.e., that of undomesticated animals and birds. This prohibition applies to all types of meat **except for the meat of fish and grasshoppers, which are** not prohibited, **neither by Torah law nor by rabbinic law.**

״וְאָסוּר לְהַעֲלוֹת״ [וכו׳]. אָמַר רַב יוֹסֵף: שְׁמַע מִינָּהּ, בְּשַׂר עוֹף בְּחָלָב – דְּאוֹרַיְיתָא, דְּאִי סָלְקָא דַּעְתָּךְ דְּרַבָּנַן – אֵכִילָה גּוּפָהּ גְּזֵירָה, וְאַנַן נִגְזוֹר הַעֲלָאָה אַטּוּ אֵכִילָה?!

§ The mishna teaches further: **And** it is **prohibited to place** any meat with cheese on one table. **Rav Yosef said: Conclude from** this clause that eating the **meat of birds** cooked **in milk** is prohibited **by Torah law. As, if** it **enters your mind** that the prohibition against eating it applies merely **by rabbinic law,** this would be because the **consumption** of the meat of birds cooked in milk is **itself** a rabbinic **decree,** lest one come to eat the meat of an animal in milk. **And** would **we decree** against **placing** birds together with cheese on one table **due to** the possibility of **consumption,** which is itself a decree? The Sages do not enact one decree to prevent the violation of another decree.

HALAKHA

One who takes a vow that vegetables are forbidden to him – הַנּוֹדֵר מִן הַיָּרָק: One who takes a vow that vegetables are forbidden to him is permitted to eat gourds, as the *halakha* is not in accordance with the opinion of Rabbi Akiva with regard to this matter (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 9:10, and see *Kesef Mishne*, *Leḥem Mishne*, and Radbaz there; *Shulḥan Arukh*, *Yoreh De'a* 217:4).

Some types of meat by Torah law – מֵהֶן מִדִּבְרֵי תוֹרָה: By Torah law the prohibition of meat cooked in milk applies only to the meat of a kosher domesticated animal cooked in the milk of a kosher domesticated animal, as indicated by the verse: "You shall not cook a kid in its mother's milk" (Exodus 23:19). Although the Torah refers to a kid, this includes the offspring of a cow, a sheep, and a goat. It is permitted to cook the meat of a kosher domesticated animal in the milk of a non-kosher domesticated animal, and the meat of a non-kosher domesticated animal in the milk of a kosher domesticated animal. It is permitted to derive benefit from these mixtures, and one who eats them does not violate the prohibition of meat cooked in milk. The *halakha* is in accordance with the opinion of Rabbi Akiva as explained by Rav Ashi (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:3; *Shulḥan Arukh*, *Yoreh De'a* 87:2).

And some types of meat by rabbinic law – וּמֵהֶן מִדִּבְרֵי סוֹפְרִים: It is permitted to cook the meat of undomesticated animals and birds even in the milk of a kosher domesticated animal, and it is also permitted to derive benefit from the mixture. By rabbinic law, it is prohibited to eat the mixture (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:4; *Shulḥan Arukh*, *Yoreh De'a* 87:3).

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וּמְנָא תֵּימְרָא דְּלָא גָּזְרִינַן גְּזֵירָה לִגְזֵירָה – דְּתְנַן: חַלַּת חוּצָה לָאָרֶץ

The Gemara asks: **And from where do you say that we do not issue** one rabbinic **decree to** prevent violation of another rabbinic **decree?** The source is **as we learned** in a mishna (*Ḥalla* 4:8): ***Ḥalla***[B] **from outside of Eretz** Yisrael, which must be eaten by a priest,

BACKGROUND

***Ḥalla* – חַלָּה:** The Torah commands that in the production of bread one must separate a portion of dough, which is given to the priests (Numbers 15:20). This portion is called *ḥalla* and is governed by all the *halakhot* pertaining to *teruma*, the produce set aside for the priests. *Ḥalla* must be taken from all dough of the five principal types of grain: Wheat, spelt, barley, oats, and rye, provided that the quantity of flour is at least a tenth of an ephah in volume. If *ḥalla* has not been separated, the dough has the status of *tevel*, untithed produce, and may not be eaten. While the Torah does not specify a measure for *ḥalla*, the Sages required an individual baking for personal use to give one twenty-fourth of his dough as *ḥalla*, and a commercial baker to give one forty-eighth.

Nowadays, all Jews have the status of being ritually impure. Therefore, *ḥalla* is governed by *halakhot* similar to impure *teruma* and must be burned. Accordingly, these measures no longer apply. Only a small portion is separated from the dough and burned, and the rest of the dough may then be used. A blessing is recited for the separation of *ḥalla*. The *halakhot* of this mitzva, which is one of the mitzvot performed particularly by women, are discussed comprehensively in tractate *Ḥalla*.

Perek **VIII**
Daf **104** Amud **b**

נֶאֱכֶלֶת עִם הַזָּר עַל הַשֻּׁלְחָן, וְנִיתֶּנֶת לְכָל כֹּהֵן שֶׁיִּרְצֶה.

may be eaten with a non-priest present **at the** same **table.**[H] The Sages did not issue a decree prohibiting this lest the non-priest partake of the *ḥalla*, as the separation of *ḥalla* outside of Eretz Yisrael is itself a rabbinic decree. This proves that the Sages do not issue one decree to prevent violation of another decree. **And** similarly, *ḥalla* from outside of Eretz Yisrael **may be given to any priest that** one **wishes,** even an uneducated priest who would not guard its state of ritual purity. This is in contrast to *ḥalla* from Eretz Yisrael, which may be given only to priests who observe the *halakhot* of ritual purity.

אֲמַר לֵיהּ אַבַּיֵי: בְּשְׁלָמָא אִי אַשְׁמוּעִינַן חַלַּת חוּצָה לָאָרֶץ בָּאָרֶץ, דְּאִיכָּא לְמִיגְזַר מִשּׁוּם חַלַּת הָאָרֶץ דְּאוֹרַיְיתָא וְלָא גָּזְרִינַן – אִיכָּא לְמִשְׁמַע מִינָּהּ.

Abaye said to Rav Yosef: **Granted,** your inference would be valid **if** the mishna in tractate *Ḥalla* had **taught us** this with regard to ***ḥalla* from outside of Eretz** Yisrael that had been brought **into Eretz** Yisrael. **As** in that case, **there** could be reason **to decree** against eating it while a non-priest is at the same table, despite the fact that the non-priest eating it is prohibited only by rabbinic law, **due to** the concern that one might come to eat ***ḥalla* from Eretz** Yisrael, which is prohibited to the non-priest **by Torah law,** at the same table as a non-priest; **and** yet **we do not decree** against this practice. If so, **there** would be grounds **to learn from** this mishna that the Sages do not issue one decree to prevent violation of another decree.

אֶלָּא חוּצָה לָאָרֶץ מִשּׁוּם דְּלֵיכָּא לְמִיגְזַר הוּא, אֲבָל הָכָא – אִי שָׁרֵית לֵיהּ לְאַסּוּקֵי עוֹף וּגְבִינָה, אָתֵי לְאַסּוּקֵי בָּשָׂר וּגְבִינָה, וּמֵיכַל בָּשָׂר בְּחַלָּב דְּאוֹרַיְיתָא.

But the mishna actually teaches this *halakha* with regard to *ḥalla* from **outside of Eretz** Yisrael[N] that remains there. It therefore proves nothing about compound decrees, as it can be claimed that the practice **is** permitted only **because there is no** reason **to decree.** Since by Torah law the obligation of *ḥalla* does not apply outside of Eretz Yisrael, there is no chance that such behavior will lead to transgression of Torah law. **But here, if you permit one to place** the meat of **birds and cheese** on the same table, some might **come to place** the **meat** of domesticated animals **and cheese** on a single table **and** to **eat** this **meat** cooked **in milk,** thereby transgressing a prohibition **by Torah law.**

HALAKHA

May be eaten with a non-priest present at the same table – נֶאֱכֶלֶת עִם הַזָּר עַל הַשֻּׁלְחָן: *Ḥalla* from outside of Eretz Yisrael, which is permitted to a priest who does not have impurity from a seminal emission, may be eaten by such a priest with a non-priest present at the same table. The reason is that if this *ḥalla* fell into non-sacred produce it does not render the mixture forbidden, even if there was as much *ḥalla* as non-sacred produce in the mixture (see Rema). The Rema cites a conflicting opinion, according to which the mixture is prohibited unless there is one hundred times as much non-sacred produce as *ḥalla*, if the two substances are of the same type, or sixty times as much, if they are of different types (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 5:12; *Shulḥan Arukh*, *Yoreh De'a* 323:1).

NOTES

***Ḥalla* from outside of Eretz Yisrael – חַלַּת חוּצָה לָאָרֶץ:** The mitzva to separate *ḥalla* from dough does not apply by Torah law outside of Eretz Yisrael, but the Sages obligated one to separate *ḥalla* even from dough outside of Eretz Yisrael. The reason for this decree was to ensure that the Jewish people do not forget the concept and practice of the mitzva of *ḥalla* (Ramban on 136b; Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 5:7).

The commentaries write that the Sages decreed that *ḥalla* should be separated in all places, even in those lands that are distant from Eretz Yisrael. One justification for this is that *ḥalla* is similar to an obligation of the body, which applies both within and outside of Eretz Yisrael, as opposed to an obligation that applies to produce that grows from the earth. In addition, this mitzva applies to all people, even if they own no land of their own, unlike other mitzvot that apply only in Eretz Yisrael, which depend on ownership of land (*Tosafot* and *Tosefot HaRosh* on *Kiddushin* 36b).

By contrast, some of the early commentaries maintain that the mitzva of *ḥalla* applies outside of Eretz Yisrael only in places close to Eretz Yisrael, similar to the mitzvot of *teruma* and tithes (*Sefer Halttur*; Maharam Ḥalawa; Meiri; Ran; Ritva; *Nimmukei Yosef*). With regard to the practical *halakha*, most early commentaries agree that even nowadays one should separate *ḥalla* in all places (*Encyclopedia Talmudit*).

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מַתְקִיף לָהּ רַב שֵׁשֶׁת: סוֹף סוֹף, צוֹנֵן בְּצוֹנֵן הוּא! אֲמַר אַבַּיֵי: גְּזֵירָה שְׁמָא יַעֲלֶה בְּאִילְפָּס רוֹתֵחַ.

Rav Sheshet objects to the premise of Rav Yosef's inference: Even if one were to posit that the meat of birds in milk is prohibited by Torah law, **ultimately** this is still a decree issued due to another decree, as **it is** a case of **cold** food **in** another **cold** food, consumption of which is itself prohibited by rabbinic law. **Abaye said:** It is a rabbinic **decree, lest one place** the meat with cheese **in a boiling stewpot,**[B] which is a manner of cooking and therefore prohibited by Torah law.

סוֹף סוֹף כְּלִי שֵׁנִי הוּא, וְכְלִי שֵׁנִי אֵינוֹ מְבַשֵּׁל! אֶלָּא: גְּזֵירָה שְׁמָא יַעֲלֶה בְּאִילְפָּס רִאשׁוֹן.

The Gemara counters: **Ultimately,** even a stewpot is only **a secondary vessel,** i.e., not the vessel that was on the fire, **and** as a rule, **a secondary vessel does not cook. Rather,** one must say that it is a rabbinic **decree, lest one place** the meat with cheese **in a stewpot** that is **a primary** vessel, i.e., that was on the fire. This is certainly cooking meat in milk, and it is prohibited by Torah law.

מתני׳ הָעוֹף עוֹלֶה עִם הַגְּבִינָה עַל הַשּׁוּלְחָן, וְאֵינוֹ נֶאֱכָל, דִּבְרֵי בֵּית שַׁמַּאי. וּבֵית הִלֵּל אוֹמְרִים: לֹא עוֹלֶה וְלֹא נֶאֱכָל, אָמַר רַבִּי יוֹסֵי: זוֹ מִקּוּלֵי בֵּית שַׁמַּאי וּמֵחוּמְרֵי בֵּית הִלֵּל.

MISHNA **The** meat of **birds may be placed with cheese on** one **table**[H] **but** may **not be eaten** together with it; this is **the statement of Beit Shammai. And Beit Hillel say:** It may **neither be placed** on one table **nor be eaten** with cheese. **Rabbi Yosei said: This is** one **of the** disputes involving **leniencies of Beit Shammai and stringencies of Beit Hillel.**

בְּאֵיזֶה שׁוּלְחָן אָמְרוּ – בְּשׁוּלְחָן שֶׁאוֹכֵל עָלָיו, אֲבָל בְּשׁוּלְחָן שֶׁסּוֹדֵר עָלָיו אֶת הַתַּבְשִׁיל – נוֹתֵן זֶה בְּצַד זֶה, וְאֵינוֹ חוֹשֵׁשׁ.

The mishna elaborates: **With regard to which table** are these *halakhot* **stated?** It is **with regard to a table upon which one eats. But on a table upon which one prepares the cooked food,**[H] **one** may **place this** meat **alongside that** cheese or vice versa, **and** need **not be concerned** that perhaps they will be mixed and one will come to eat them together.

גמ׳ רַבִּי יוֹסֵי הֵיינוּ תַּנָּא קַמָּא! וְכִי תֵּימָא, אֲכִילָה גּוּפָהּ אִיכָּא בֵּינַיְיהוּ, דְּקָאָמַר תַּנָּא קַמָּא: בְּהַעֲלָאָה קָא מִיפַּלְגִי, בַּאֲכִילָה לָא פְּלִיגִי, וַאֲמַר לֵיהּ רַבִּי יוֹסֵי: אֲכִילָה גּוּפָהּ מִקּוּלֵי בֵּית שַׁמַּאי וּמֵחוּמְרֵי בֵּית הִלֵּל.

GEMARA The Gemara challenges: The opinion of **Rabbi Yosei is** identical to that of **the first *tanna*. And if you would say** that there **is** a difference **between them** with regard to the permissibility of **eating itself, as the first *tanna* says** that Beit Shammai and Beit Hillel **disagree with regard to placing** meat of birds with cheese on one table, which indicates that **with regard to eating they do not disagree, and Rabbi Yosei said** in response **to** this that they also disagree with regard to the permissibility of **eating** meat of birds in milk, and this is **itself** one **of the** disputes involving **leniencies of Beit Shammai and stringencies of Beit Hillel,** one can refute this claim.

וְהָתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: שִׁשָּׁה דְּבָרִים מִקּוּלֵי בֵּית שַׁמַּאי וּמֵחוּמְרֵי בֵּית הִלֵּל, וְזוֹ אַחַת מֵהֶן – עוֹף עוֹלֶה עִם הַגְּבִינָה עַל הַשּׁוּלְחָן וְאֵינוֹ נֶאֱכָל, דִּבְרֵי בֵּית שַׁמַּאי. וּבֵית הִלֵּל אוֹמְרִים: לֹא עוֹלֶה וְלֹא נֶאֱכָל!

The refutation is as follows: **Isn't it taught** in a *baraita* that **Rabbi Yosei says** that **six matters** are included **as the** disputes involving **leniencies of Beit Shammai and stringencies of Beit Hillel, and this is one of them:** The meat of **birds is placed with cheese on** one **table, but** it may **not be eaten** together with it; this is **the statement of Beit Shammai. And Beit Hillel say:** It may **neither be placed** on one table **nor be eaten** with cheese. Evidently, Rabbi Yosei agrees that even according to Beit Shammai the meat of birds may not be eaten with cheese.

אֶלָּא, הָא קָמַשְׁמַע לָן: מַאן תַּנָּא קַמָּא – רַבִּי יוֹסֵי, כָּל הָאוֹמֵר דָּבָר בְּשֵׁם אוֹמְרוֹ מֵבִיא גְּאוּלָּה לָעוֹלָם, שֶׁנֶּאֱמַר ״וַתֹּאמֶר אֶסְתֵּר לַמֶּלֶךְ בְּשֵׁם מָרְדֳּכָי״.

Rather, this is what the mishna **teaches us: Who is the first *tanna*?** It is **Rabbi Yosei.** The identification is important, since **whoever reports a statement in the name of the one who said it brings redemption to the world. As it is stated** with respect to the incident of Bigthan and Teresh: **"And Esther reported it to the king in the name of Mordecai"** (Esther 2:22), and Mordecai was later rewarded for saving the king's life, paving the way for the miraculous salvation.

תָּנָא אַגְּרָא חַמּוּהּ דְּרַבִּי אַבָּא: עוֹף וּגְבִינָה נֶאֱכָלִין בַּאֲפִיקוֹרֶן. הוּא תָּנֵי לָהּ וְהוּא אָמַר לָהּ: בְּלֹא נְטִילַת יָדַיִם וּבְלֹא קִינּוּחַ הַפֶּה.

§ The Gemara continues discussing the consumption of poultry cooked in milk. The Sage **Agra, the father-in-law of Rabbi Abba, taught:** The meat of **birds and cheese may be eaten freely** [***apikoren***], i.e., there is no need to be strict in this matter. The Gemara notes: **He,** Agra, **teaches it and he says it,** i.e., explains his statement: The meat of birds and cheese may be eaten **without washing** one's **hands and without wiping the mouth**[H] between the consumption of each.

BACKGROUND

Stewpot [*ilpas*] – אִילְפָּס: The *ilpas* was apparently an earthenware vessel with a broad base, straight sides, and a wide opening. The sides of an *ilpas* were thinner than those of a regular pot. It also differed from a pot in that it came with a cover, which had a pointed end and was sometimes perforated. An *ilpas* was probably used to cook all types of foods, like a pot, but it was used particularly for foods that required speedy preparation, or to warm food that had already been cooked in a pot.

HALAKHA

The meat of birds may be placed with cheese on one table – הָעוֹף עוֹלֶה עִם הַגְּבִינָה עַל הַשּׁוּלְחָן: It is prohibited to place meat of birds with cheese on a table at which one is eating the cheese, lest one come to eat them together. This is the *halakha* despite the fact that poultry cooked in milk is prohibited by rabbinic law. Later authorities note that the same applies to the reverse case, i.e., one may not place cheese on a table at which one is eating the meat of birds or undomesticated animals. This ruling is in accordance with the opinion of Beit Hillel. Nevertheless, it is customary to place bread between those eating meat and those eating cheese, and this is sufficient to render it permitted to eat these foods at the same table (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:20 and *Haggahot Maimoniyyot* there; *Shulḥan Arukh*, *Yoreh De'a* 88:1 and *Shakh* there).

On a table upon which one prepares the cooked food – בְּשׁוּלְחָן שֶׁסּוֹדֵר עָלָיו אֶת הַתַּבְשִׁיל: Although it is prohibited to place poultry with cheese on a table at which one is eating the cheese, one may place them side by side on a table at which one is merely arranging the food (*Shulḥan Arukh*, *Yoreh De'a* 88:1).

Without washing hands and without wiping the mouth – בְּלֹא נְטִילַת יָדַיִם וּבְלֹא קִינּוּחַ הַפֶּה: If one wishes to eat birds after cheese he may do so immediately and need not even wash his hands or wipe his mouth, in accordance with the opinion of Agra, the father-in-law of Rabbi Abba. Some authorities write that there is a custom to be stringent and to wait in the case of eating meat after cheese (Rema, citing Maharam). The Rema adds that this is the proper custom in a case where the cheese is hard, which is assumed to apply to cheese that was aged for six months or more (*Shakh*). Therefore, one may not eat even birds after consuming that cheese for the same amount of time as one waits to eat cheese after meat (see *Zohar*). Others are lenient with regard to eating meat after cheese, and one need not object to those who follow this practice, but they should wipe and rinse their mouths and wash their hands. Nevertheless, it is preferable to be stringent. The Maharshal disagrees with this stringent practice, though the *Shakh* supports it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:27; *Shulḥan Arukh*, *Yoreh De'a* 89:2).

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רַב יִצְחָק בְּרֵיהּ דְּרַב מְשַׁרְשִׁיָא אִיקְלַע לְבֵי רַב אַשִׁי, אַיְיתוּ לֵיהּ גְּבִינָה – אֲכַל, אַיְיתוּ לֵיהּ בְּשָׂרָא אֲכַל, וְלָא מְשָׁא יְדֵיהּ. אָמְרִי לֵיהּ: וְהָא תָּאנִי אַגְרָא חֲמוּהּ דְּרַבִּי אַבָּא עוֹף וּגְבִינָה נֶאֱכָלִין בַּאֲפִיקוֹרְן, עוֹף וּגְבִינָה – אִין, בָּשָׂר וּגְבִינָה – לָא!

The Gemara relates: **Rav Yitzḥak, son of Rav Mesharshiyya, happened** to come **to the house of Rav Ashi. They brought him cheese,** and **he ate** it. Next **they brought him meat,** and **he ate** it **without** first **washing his hands.** The members of Rav Ashi's household **said to him: But didn't Agra, the father-in-law of Rabbi Abba, teach** only that the meat of **birds and cheese may be eaten freely?** One can infer that with regard to the meat of **birds and cheese, yes,** one may eat them without washing one's hands in between, but with regard to the **meat** of domesticated animals **and cheese, no,** one may not.

אָמַר לְהוּ: הָנֵי מִילֵּי – בְּלֵילְיָא, אֲבָל בִּימָמָא – הָא חָזֵינָא.

Rav Yitzḥak **said to them: This statement** of Agra applies only if one eats them **at night,** as one cannot see whether some of the food of the previous dish still remains on his hands, and he must therefore wash them. **But** if one eats **by day, I** can **see** that no food remains on his hands, and consequently there is no need to wash them.

תַּנְיָא, בֵּית שַׁמַּאי אוֹמְרִים: מְקַנֵּחַ. וּבֵית הִלֵּל אוֹמְרִים: מֵדִיחַ. מַאי מְקַנֵּחַ וּמַאי מֵדִיחַ?

It is taught in a *baraita*: **Beit Shammai say:** Between the consumption of meat and milk one must **wipe** out his mouth, **and Beit Hillel say** that he must **rinse** his mouth. The Gemara asks: **What** is the meaning of the word: **Wipe** [***mekane'aḥ***]**, and what** is the meaning of the word: **Rinse** [***mediaḥ***]**?**

Perek **VIII**
Daf **105** Amud **a**

אִילֵימָא בֵּית שַׁמַּאי אוֹמְרִים מְקַנֵּחַ וְלָא בָּעֵי מֵדִיחַ, וּבֵית הִלֵּל אוֹמְרִים מֵדִיחַ וְלָא בָּעֵי מְקַנֵּחַ, אֶלָּא הָא דַּאֲמַר רַבִּי זֵירָא: אֵין קִינּוּחַ פֶּה אֶלָּא בְּפַת, כְּמַאן – כְּבֵית שַׁמַּאי?!

If we say that **Beit Shammai say** that one **wipes** out his mouth with solid food **and does not need** to **rinse**[N] his mouth with water, since they maintain that wiping is more effective than rinsing, **and Beit Hillel say** that he **rinses**[N] his mouth in water **and does not need** to **wipe** his mouth, as rinsing is more effective, one can respond: **But** as for **that which Rabbi Zeira said: Wiping of** the **mouth** can be performed **only with bread, in accordance with whose** opinion is it? It is apparently **in accordance with** the opinion of **Beit Shammai,** since Beit Hillel do not require wiping. Yet, it is unlikely that Rabbi Zeira would rule in accordance with the opinion of Beit Shammai rather than Beit Hillel.

אֶלָּא, בֵּית שַׁמַּאי אוֹמְרִים: מְקַנֵּחַ וְלָא בָּעֵי מֵדִיחַ, וּבֵית הִלֵּל אוֹמְרִים: אַף מֵדִיחַ – הָנֵי לֵיהּ מִקּוּלֵי בֵּית שַׁמַּאי וּמֵחוּמְרֵי בֵּית הִלֵּל, וְלִתְנֵייהּ גַּבֵּי קוּלֵי בֵּית שַׁמַּאי וְחוּמְרֵי בֵּית הִלֵּל!

Rather, one must explain the dispute as follows: **Beit Shammai say** that one **wipes** his mouth after eating meat **and does not need** to **rinse** his mouth as well, **and Beit Hillel say** that in addition to wiping one must **also rinse.** This interpretation is difficult as well, since if so, this **constitutes** one **of the** disputes between them that involve **leniencies of Beit Shammai and stringencies of Beit Hillel, and** consequently, **let** the *tanna* of tractate *Eduyyot* **teach it alongside** the other disputes listed there that involve **leniencies of Beit Shammai and stringencies of Beit Hillel.**

אֶלָּא, בֵּית שַׁמַּאי אוֹמְרִים: מְקַנֵּחַ, וְהוּא הַדִּין לְמֵדִיחַ. וּבֵית הִלֵּל אוֹמְרִים: מֵדִיחַ, וְהוּא הַדִּין לְמְקַנֵּחַ. מָר אָמַר חֲדָא, וּמָר אָמַר חֲדָא, וְלָא פְּלִיגִי.

Rather, one must interpret their statements as follows: **Beit Shammai say** that one **wipes** his mouth after eating meat, **and the same is true of rinsing,** i.e., one must rinse his mouth as well. **And Beit Hillel say** that one **rinses** his mouth, **and the same is true of wiping.** And **one Sage said one** statement **and one Sage said another** statement, **and they do not disagree.**

גּוּפָא, אָמַר רַבִּי זֵירָא: אֵין קִינּוּחַ הַפֶּה אֶלָּא בְּפַת. וְהָנֵי מִילֵּי – בִּדְחִיטֵּי, אֲבָל בִּדְשַׂעֲרֵי – לָא.

§ After citing Rabbi Zeira's statement tangentially, the Gemara discusses **the** matter **itself. Rabbi Zeira says: Wiping of the mouth** can be performed **only with bread.** The Gemara explains: **And this statement** applies only **to** bread prepared **from wheat** flour. **But with regard to** bread prepared **from barley** flour, one may **not** use it for wiping, as barley bread crumbles in the mouth and does not wipe thoroughly.

NOTES

Beit Shammai say that one wipes and does not need to rinse – בֵּית שַׁמַּאי אוֹמְרִים מְקַנֵּחַ וְלָא בָּעֵי מֵדִיחַ: The early commentaries disagree about whether wiping or rinsing is a more effective method of cleansing one's mouth. Some write that wiping is preferable, and therefore Beit Shammai maintain that once one has already wiped there is no further need for rinsing. Conversely, Beit Hillel rule that cleansing thoroughly with wiping is unnecessary; rather, it is enough merely to rinse one's mouth (Rashi). Others contend that rinsing is a more thorough procedure than wiping. Accordingly, Beit Shammai maintain that wiping one's mouth is sufficient, whereas Beit Hillel rule that only rinsing is effective. Admittedly, according to this interpretation the Gemara could have raised the same difficulty here as it does afterward, that this case should have been listed alongside the other leniencies of Beit Shammai and stringencies of Beit Hillel, but it did not do so, as in any case the Gemara raises a difficulty from Rabbi Zeira's statement (*Tosafot*).

Wipes…rinses – מֵדִיחַ...מְקַנֵּחַ: Most of the early commentaries maintain that both wiping and rinsing refer to one's mouth (Ritva; see Rashi and *Tosafot*). Others claim that wiping refers to the mouth and rinsing applies to the hands (Ra'ah). The *Rosh Yosef* contends that this is the Rambam's opinion, and the *Ḥatam Sofer* claims that it is the opinion of Rabbeinu Tam in *Sefer HaYashar*.

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וּדְחִישֵׁי נַמִּי, לָא אֲמָרַן אֶלָּא בְּקִרְירָא, אֲבָל בַּחֲמִימָא – מִשְׁטַר שְׁטָרֵי. וְהָנֵי מִילֵּי בְּרַכִּיכָא, אֲבָל בְּאַקּוּשָׁא – לָא. וְהִלְכְתָא: בְּכָל מִילֵּי הָווּ קִינּוּחַ, לְבַר מִקְמְחָא תַּמְרֵי וְיָרְקָא.

The Gemara adds: **And even** in the case of bread prepared **from wheat** flour, **we said** the *halakha* **only with regard to cold** bread, **but** as **for warm** bread, it is ineffective for wiping even if made of wheat, as it softens and **sticks** to the palate, and it does not wipe the mouth properly. **And** furthermore, even if the bread is cold, **this statement** applies only **with regard to soft** bread, **but** one may **not** wipe **with hard** bread, as it also does not clean effectively. The Gemara concludes: **And the *halakha* is** that the use **of all items constitutes** effective **wiping,**[H] **except for flour, dates, and vegetables.**

בָּעָא מִינֵּיהּ רַב אַסִי מֵרַבִּי יוֹחָנָן: כַּמָּה יִשְׁהֶה בֵּין בָּשָׂר לִגְבִינָה? אָמַר לוֹ: וְלֹא כְלוּם. אִינִי, וְהָא אָמַר רַב חִסְדָּא: אָכַל בָּשָׂר – אָסוּר לֶאֱכוֹל גְּבִינָה, גְּבִינָה – מוּתָּר לֶאֱכוֹל בָּשָׂר! אֶלָּא, כַּמָּה יִשְׁהֶה בֵּין גְּבִינָה לִבְשָׂר? אָמַר לֵיהּ: וְלֹא כְלוּם.

§ **Rav Asi posed a dilemma to Rabbi Yoḥanan: How much** time **should one wait between** eating **meat and** eating **cheese?** Rabbi Yoḥanan **said to him: No** time **at all.** The Gemara asks: **Is that so? But doesn't Rav Ḥisda say:** If one **ate meat,** it is **prohibited** for him **to eat cheese**[H] immediately, but if he ate **cheese** it is **permitted** for him **to eat meat**[H] without delay? **Rather,** Rav Asi actually asked Rabbi Yoḥanan the following question: **How much** time **should one wait between** eating **cheese and** eating **meat?** In response to this question, Rabbi Yoḥanan **said to him: No** time **at all.**

גּוּפָא, אָמַר רַב חִסְדָּא: אָכַל בָּשָׂר – אָסוּר לֶאֱכוֹל גְּבִינָה. גְּבִינָה – מוּתָּר לֶאֱכוֹל בָּשָׂר. אָמַר לֵיהּ רַב אַחָא בַּר יוֹסֵף לְרַב חִסְדָּא: בָּשָׂר שֶׁבֵּין הַשִּׁינַּיִם מַהוּ?

After tangentially citing a statement of Rav Ḥisda, the Gemara discusses **the** matter **itself. Rav Ḥisda says:** If one **ate meat,** it is **prohibited** for him **to eat cheese** immediately, as the meat contains fatty substances that stick to one's mouth and preserve the flavor of meat. But if he ate **cheese** it is **permitted** for him **to eat meat** without delay. **Rav Aḥa bar Yosef said to Rav Ḥisda:** In the case of **meat that is between the teeth, what is** the *halakha*? Are these remnants considered meat to the extent that one may not eat cheese as long as they are in his mouth?

קָרֵי עֲלֵיהּ ״הַבָּשָׂר עוֹדֶנּוּ בֵּין שִׁנֵּיהֶם״.

In response, Rav Ḥisda **read about him** the following verse: **"While the meat was yet between their teeth"** (Numbers 11:33). This verse indicates that even when the meat is between one's teeth it is still considered meat, and therefore one may not partake of cheese until that meat has been removed.

אָמַר מָר עוּקְבָא: אֲנָא, לְהָא מִלְּתָא, חֲלָא בַּר חַמְרָא לְגַבֵּי אַבָּא, דְּאִילּוּ אַבָּא – כִּי הָווּ אָכֵיל בִּשְׂרָא הָאִידָּנָא, לָא הֲווּ אָכֵל גְּבִינָה עַד לְמָחָר עַד הָשְׁתָּא. וְאִילּוּ אֲנָא – בְּהָא סְעוּדְתָּא הוּא דְּלָא אָכֵילְנָא, לִסְעוּדְתָּא אַחֲרִיתָא – אָכֵילְנָא.

Mar Ukva said: I am, with regard to this matter, like **vinegar, son of wine, with respect to Father,** i.e., my practice is inferior to that of my father. **As Father, if he were to eat meat at this time, would not eat cheese until tomorrow at this time. But as for me,** only **at this meal,** during which I ate meat, **do I not eat** cheese; **at a different meal** on the same day **I** will **eat** cheese.

HALAKHA

The use of all items constitutes wiping – בְּכָל מִילֵּי הָווּ קִינּוּחַ: One who has eaten cheese may eat meat immediately afterward, provided that he first examines his hands to ensure that no cheese is stuck to them. If it is too dark to examine his hands properly, he must wash them. He must wipe and rinse his mouth, both when eating at night and when eating during the day. Wiping is performed by chewing a piece of bread and using it to wipe out one's mouth. But one may also wipe with any food item he wishes, apart from flour, dates, and vegetables, as these stick to the gums and do not wipe properly. Afterward, he should rinse out his mouth with water or wine, although there is no need to be particular about the order of wiping and rinsing (Maharam). The *Haggahot Maimoniyyot* states that after rinsing his hands and mouth, Rabbi Yitzḥak ben Avraham would insert a finger into his mouth to examine carefully that nothing was left inside, after which he would wipe with bread. By contrast, Rabbeinu Yitzḥak of Dampierre would soak bread in water and eat it, and count this action as both wiping and rinsing, or he would eat an item that can be used for wiping and would then drink water or wine for rinsing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:26; *Shulḥan Arukh*, *Yoreh De'a* 89:2).

If one ate meat it is prohibited to eat cheese immediately – אָכַל בָּשָׂר אָסוּר לֶאֱכוֹל גְּבִינָה: One who ate meat, even of birds or undomesticated animals, should not eat cheese immediately afterward, in accordance with the opinion of Rav Ḥisda. Rather, he should wait six hours, which is the time between meals, as stated by Mar Ukva (Rambam). Even in a case where one waited this long, if he still has meat between his teeth he must remove that meat before partaking of cheese. Some commentaries write that if one found meat between his teeth after the waiting period, in addition to removing it he must rinse out his mouth before eating cheese (Rema). Others maintain that there is no need to wait six hours. Instead, once one has finished eating meat and recited Grace after Meals he may perform wiping and rinsing and proceed to eat cheese. The Rema adds that the custom in his region was to wait one hour after eating meat and then to eat cheese. In this case, one must recite Grace after Meals to indicate that this is a different meal; if one does not recite Grace after Meals, waiting an hour is not sufficient. It makes no difference if he waited an hour and then recited Grace after Meals or first recited Grace after Meals and then waited an hour. If he found meat between his teeth after that hour, he must remove it all thoroughly. Some maintain that one should not recite Grace after Meals solely in order to be able to eat cheese *ab initio*, as this is not considered a valid end of the meal (Gra), but people are not careful in this regard. Many are particular to wait six hours after meat before eating cheese, which is the proper custom that has been accepted by the majority of the Jewish people (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:28; *Shulḥan Arukh*, *Yoreh De'a* 89:1).

If he ate cheese it is permitted to eat meat – גְּבִינָה מוּתָּר לֶאֱכוֹל בָּשָׂר: One who ate cheese may eat meat immediately afterward, provided that he examines his hands to ensure that no cheese is stuck to them. If it is at night, or if it is too dark to examine them properly, he must wash his hands. Furthermore, even during the day, one must wipe and rinse his mouth. This applies only with regard to the meat of undomesticated and domesticated animals. If he wants to eat birds after cheese, he does not need to wipe his mouth or wash his hands. The Rema writes that some are particular to wait for some time even before eating meat of birds after cheese (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:26; *Shulḥan Arukh*, *Yoreh De'a* 89:2).

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אֲמַר שְׁמוּאֵל: אֲנָא, לְהָא מִלְּתָא, חֲלָא בַּר חַמְרָא לְגַבֵּי אַבָּא, דְּאִילּוּ אַבָּא – הֲוָה סָיֵיר נִכְסֵיהּ תְּרֵי זִמְנֵי בְּיוֹמָא, וַאֲנָא לָא סָיֵירְנָא אֶלָּא חָדָא זִימְנָא. שְׁמוּאֵל לְטַעֲמֵיהּ, דַּאֲמַר שְׁמוּאֵל: מַאן דְּסָיֵיר נִכְסֵיהּ כָּל יוֹמָא – מַשְׁכַּח אִסְתִּירָא.

Similarly, **Shmuel said: I am, with regard to this** other **matter,** like **vinegar, son of wine, with respect to Father. As Father**[P] **would patrol his property** to examine it **twice daily, but I patrol** it **only once** a day.[N] The Gemara notes: In this regard **Shmuel** conforms **to his** line of **reasoning, as Shmuel said: One who patrols his property every day will find an *asteira***[B] coin.

אֲבַיֵּי הֲוָה סָיֵיר נִכְסֵיהּ כָּל יוֹמָא וְיוֹמָא, יוֹמָא חַד פָּגַע בַּאֲרִיסֵיהּ דְּדָרֵי פַּתְכָא דְּאוּפֵי. אֲמַר לֵיהּ: הָנֵי לְהֵיכָא? אֲמַר לֵיהּ: לְבֵי מָר. אֲמַר לֵיהּ: כְּבָר קַדְמוּךְ רַבָּנַן.

The Gemara relates that **Abaye would patrol his property each and every day. One day he encountered his sharecropper carrying a load of wood** that the sharecropper intended to take for himself. Abaye **said to him: To where** are you taking **these** logs of wood? The sharecropper **said to him: To the Master's house.** Abaye, who knew that the sharecropper had intended to take the wood for himself, **said to him: The Sages already preempted you** when they said that one should patrol his property regularly, and they thereby prevented you from stealing the wood.

רַב אַסִי הֲוָה סָיֵיר נִכְסֵיהּ כָּל יוֹמָא, אֲמַר: הֵיכָא נִינְהוּ כָּל הָנֵי אִסְתִּירֵי דְּמָר שְׁמוּאֵל? יוֹמָא חַד חֲזָא צִינּוֹרָא דְּבִדְקָא בְּאַרְעֵיהּ, שְׁקָלֵיהּ לִגְלִימֵיהּ, כָּרְכֵיהּ אוֹתְבֵיהּ בְּגַוֵּיהּ. רְמָא קָלָא, אָתוּ אֵינָשֵׁי סְכָרוּהָ. אֲשְׁכַּחְתֵּינְהוּ לְכוּלְּהוּ אִיסְתִּירֵי דְּמָר שְׁמוּאֵל.

The Gemara likewise relates that **Rav Asi would patrol his property every day. He said: Where are all these *asteira*** coins mentioned **by Mar Shmuel?** This patrol is not reaping me any benefit. **One day he saw** a water **channel that overflowed,** causing water to flood **onto his land. He took off his cloak, wrapped it, and placed it inside** the pipe to block the flow of water. **He** then **raised** his **voice,** and **people came** and **sealed** the hole. He said: **I have** just **found all the *asteira*** coins mentioned **by Mar Shmuel,** as I would have suffered a great loss had I not patrolled my fields.

אָמַר רַב אִידִי בַּר אָבִין, אָמַר רַב יִצְחָק בַּר אָשְׁיָין: מַיִם רִאשׁוֹנִים – מִצְוָה, וְאַחֲרוֹנִים – חוֹבָה.

§ Having mentioned the manner of washing hands during a meal, the Gemara discusses another matter concerning washing hands. **Rav Idi bar Avin says** that **Rav Yitzḥak bar Ashyan says:** The **first waters,** i.e., washing of the hands before eating bread, are **a mitzva**[H] by rabbinic law, **but** the **final** waters, washing of the hands upon conclusion of the meal and before reciting Grace after Meals, are **an obligation,**[H] a more stringent requirement.

מֵיתִיבִי: מַיִם רִאשׁוֹנִים וְאַחֲרוֹנִים – חוֹבָה, אֶמְצָעִיים – רְשׁוּת! מִצְוָה לְגַבֵּי רְשׁוּת – ״חוֹבָה״ קָרֵי לָהּ.

The Gemara **raises an objection** to this ruling from a *baraita*: The **first waters and** the **final** waters are **an obligation,** whereas the **middle** waters, between courses during the meal, are **optional.**[H] Apparently, the first waters are also an obligation, not a mitzva. The Gemara responds: Although the first waters are in fact a mitzva, the *tanna* **calls a mitzva an obligation** when **compared to an optional** requirement.

גּוּפָא: מַיִם רִאשׁוֹנִים וְאַחֲרוֹנִים – חוֹבָה, אֶמְצָעִיים – רְשׁוּת, רִאשׁוֹנִים – נוֹטְלִין בֵּין בִּכְלִי בֵּין עַל גַּבֵּי קַרְקַע, אַחֲרוֹנִים – אֵין נוֹטְלִין אֶלָּא בִּכְלִי. וְאָמְרִי לָהּ: אֵין נוֹטְלִין עַל גַּבֵּי קַרְקַע.

The Gemara analyzes **the** matter **itself.** The full text of the *baraita* is as follows: **First waters and final** waters are **an obligation,** whereas **middle** waters are **optional.** For **first** waters, **one may wash either** by spilling the water **into a vessel or onto the ground.**[H] But for **final** waters, **one washes only** by pouring the water **into a vessel.**[H] **And some say** a slightly different version of the *baraita*: For final waters, **one may not wash** by pouring the water **onto the ground.**

NOTES

I patrol it only once a day – וַאֲנָא לָא סָיֵירְנָא אֶלָּא חָדָא זִימְנָא: The commentaries note that Shmuel's behavior was considered to be for the sake of Heaven, as one who takes care of his possessions honors God, Who gave them to him. This is the reason the righteous are careful about their money, as the Gemara stated on 91a (*Ben Yehoyada*). Some explain homiletically that Shmuel is referring to one's account of his deeds: Shmuel's father would examine his ways twice each day, whereas Shmuel himself, who was on a less exalted level, would take stock of his actions only once a day (*Ḥafetz Ḥayyim*; *Shem Olam*).

BACKGROUND

***Asteira* – אִסְתִּירָא:** This is the name of a Roman coin, known in Greek as στατήρ, *statēr*. When made of gold, these coins were worth a *sela*, or four dinars. In this case the reference is to the provincial *asteira* coin, a copper coin that was of lesser value, worth one-eighth of the larger Tyrian coins, i.e., half a dinar.

HALAKHA

The first waters are a mitzva – מַיִם רִאשׁוֹנִים מִצְוָה: It is a rabbinic obligation to wash one's hands before a meal and before the recitation of *Shema* and the *Amida* prayer. This ritual is called a mitzva, as the verse states: "According to the Torah that they shall teach you" (Deuteronomy 17:11), which indicates that one must obey the commands of the Sages (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:2).

But final waters are an obligation – וְאַחֲרוֹנִים חוֹבָה: Washing one's hands for the final waters of a meal is an obligation. This is because the Sages required that one use salt at every meal, and there is a certain salt, called Sodomite salt, that blinds the eyes, as explained by Rav Yehuda, son of Rabbi Ḥiyya (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:2-3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 181:1 and *Taz* there).

Middle waters are optional – אֶמְצָעִיים רְשׁוּת: Middle waters are optional, i.e., one may wash his hands if he chooses. This applies only between one cooked dish and another cooked dish, but between a cooked dish and cheese, it is obligatory, in accordance with the opinion of Rav Naḥman (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 173:1 and *Mishna Berura* there).

For first waters one may wash either into a vessel or onto the ground – רִאשׁוֹנִים נוֹטְלִין בֵּין בִּכְלִי בֵּין עַל גַּבֵּי קַרְקַע: One may pour first waters either into a vessel or onto the ground, as stated in the *baraita* (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:16).

For final waters one washes only into a vessel, etc. – אַחֲרוֹנִים אֵין נוֹטְלִין אֶלָּא בִּכְלִי וכו': One may not pour final waters onto the ground, but only into a vessel. This is due to the evil spirit that rests upon them, which makes it dangerous to walk over them (*Mishna Berura*). If one does not have a vessel available, he should wash over slivers of wood and the like, in accordance with the second version of the *baraita* (see *Kesef Mishne* and *Beur HaGra*, citing Rambam). Some claim that in a place where people do not pass by it is permitted to pour final waters on the ground (*Magen Avraham*). According to this opinion, it is permitted to pour the water under the table; this is the *halakha* even if the table is occasionally moved, as it can be assumed that the water would have dried by then (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:16; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 181:2).

PERSONALITIES

Shmuel's father – אֲבִי שְׁמוּאֵל: Shmuel's father was the *amora* Rabbi Abba bar Abba the Priest, of the first generation of *amora'im*. In the Babylonian Talmud he is called after his famous son, as the name Abba was very common. In the Jerusalem Talmud he is referred to as Rabbi Ba bar Va.

Rabbi Abba bar Abba, a distinguished personality in many respects, was one of the greatest Sages in Babylonia and a leader of the Jewish community there. When Rav came to Babylonia, he refused to accept leadership during Rabbi Abba bar Abba's lifetime. The Sages of Eretz Yisrael had great respect for Rabbi Abba bar Abba, and after he returned to Babylonia they would send him letters with questions. Rabbi Abba bar Abba's Torah statements appear throughout both the Babylonian Talmud and the Jerusalem Talmud.

Rabbi Abba bar Abba apparently studied under the Babylonian Sages of the previous generation, including Rabbi Yehuda ben Beteira, and under Rabbi Yehuda HaNasi in Eretz Yisrael, to whom he asked many questions, both in person and via correspondence. He also had a close relationship with the Sage Levi ben Sisi, who moved from Eretz Yisrael to Babylonia. They studied together in the study hall of Neharde'a and traveled together, and they shared a similar halakhic methodology. When Levi ben Sisi died, Rabbi Abba bar Abba delivered a lengthy eulogy for him.

Rabbi Abba bar Abba was a cotton merchant, and his commercial activities led him to many cities. A wealthy man and a landowner, he was very active in charity and the performance of kind deeds, e.g., redeeming hostages. Although he was not appointed to any official position, he was the most significant personage in his city Neharde'a, where he was responsible for municipal matters. In addition to Shmuel he had another son, Rav Pineḥas, who was also a Torah scholar.

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מַאי בֵּינַיְיהוּ? אִיכָּא בֵּינַיְיהוּ – קִינָּמָא.

The Gemara interjects: **What is** the difference **between** these two versions? The Gemara answers: **There is** a practical difference **between them** with regard to pouring the water on thin wood **slivers** on the ground. According to the first version, which requires that the water be poured into a vessel, one may not use such slivers for this purpose, whereas according to the second version, which merely prohibits pouring the water onto the ground, one may use wood slivers.

מַיִם רִאשׁוֹנִים – נוֹטְלִין בֵּין בְּחַמִּין בֵּין בְּצוֹנֵן, אַחֲרוֹנִים – אֵין נוֹטְלִין אֶלָּא בְּצוֹנֵן, מִפְּנֵי שֶׁחַמִּין מְפַעְפְּעִין אֶת הַיָּדַיִם, וְאֵין מַעֲבִירִין אֶת הַזּוֹהֲמָא. ״מַיִם רִאשׁוֹנִים נוֹטְלִין בֵּין בְּחַמִּין בֵּין בְּצוֹנֵן״. אָמַר רַב יִצְחָק בַּר יוֹסֵף, אָמַר רַבִּי יַנַּאי: לֹא שָׁנוּ אֶלָּא שֶׁאֵין הַיָּד

The *baraita* continues: With regard to **first waters, one may wash either with hot** water **or with cold** water. But for **final** waters, **one may wash only with cold** water, **because hot** water **softens the hands and does not remove the dirt** from them. The Gemara analyzes the statement that for **first waters one may wash either with hot** water **or with cold** water: **Rav Yitzḥak bar Yosef says** that **Rabbi Yannai says: They taught** this *halakha* **only** in a case **where the hand does not**

Perek **VIII**
Daf **105** Amud **b**

סוֹלֶדֶת בָּהֶן, אֲבָל הַיָּד סוֹלֶדֶת בָּהֶן – אֵין נוֹטְלִין בָּהֶן.

recoil [*soledet*]ʟ **from** the water's heat. **But** if **the hand recoils from it, one may not wash with it.**ɴ

וְאִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא: אַחֲרוֹנִים אֵין נוֹטְלִין אֶלָּא בְּצוֹנֵן, אֲבָל בְּחַמִּין – לֹא. אָמַר רַב יִצְחָק בַּר יוֹסֵף, אָמַר רַבִּי יַנַּאי: לֹא שָׁנוּ אֶלָּא שֶׁהַיָּד סוֹלֶדֶת בָּהֶן, אֲבָל אֵין הַיָּד סוֹלֶדֶת בָּהֶן – נוֹטְלִין. מִכְּלָל דְּרִאשׁוֹנִים, אַף עַל פִּי שֶׁהַיָּד סוֹלֶדֶת בָּהֶן – מוּתָּר.

And there are those who teach a version of **this** statement **with regard to the latter clause** of the *baraita*: For **final** waters, **one may wash only with cold** water,ʜ **but** one may **not** wash **with hot** water. **Rav Yitzḥak bar Yosef says** that **Rabbi Yannai says: They taught** that one may not use hot water **only** in a case **where** the water is so hot that **the hand recoils from it, but if the hand does not recoil from it, one may wash** with it. The Gemara comments: One can learn **by inference** from this version of the statement **that** in the case of **first** waters, **even if** the water is so hot that **the hand recoils from it,** it is **permitted**ʜ to use it for washing.

״אֶמְצָעִיים רְשׁוּת״. אָמַר רַב נַחְמָן: לֹא שָׁנוּ אֶלָּא בֵּין תַּבְשִׁיל לְתַבְשִׁיל, אֲבָל בֵּין תַּבְשִׁיל לִגְבִינָה – חוֹבָה.

§ The *baraita* states that **middle** waters are **optional. Rav Naḥman says: They taught** this **only** with regard to washing the hands **between** one **cooked dish and** another **cooked dish**ɴ served at a meal. **But between a cooked dish and cheese** there is **an obligation** to wash one's hands.

LANGUAGE

Recoil [*soledet*] – סוֹלֶדֶת: Rashi translates this word as recoil based upon his understanding of an ambiguous phrase in the book of Job (6:10): "I would tremble in terror [*asalleda beḥila*]." By contrast, the Radak interprets the verse in Job in light of its usage in the Gemara here as heated or boiling. Rabbeinu Ḥananel understands this phrase in accordance with the equivalent expression in the Jerusalem Talmud: The hand can control [*sholetet*] it. If so, the phrase means the opposite of the other interpretations: As long as the hand is capable of holding the water.

HALAKHA

For final waters one may wash only with cold water – אַחֲרוֹנִים אֵין נוֹטְלִין אֶלָּא בְּצוֹנֵן: For final waters, one may not wash with hot water that would burn the hands, as such water softens the hands and causes them to absorb the remainders of food (Rashi), and it does not cleanse the hands of dirt. One may use lukewarm water for final waters. Some rule that one may use only cold water for final waters (Maharshal). Nevertheless, if one has only lukewarm water available there is certainly no reason to be stringent. The author of the *Mishna Berura* adds that he is inclined to permit hot water that has cooled down (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:16; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 181:3).

By inference that in the case of first waters, even if the hand recoils from it, it is permitted – מִכְּלָל דְּרִאשׁוֹנִים אַף עַל פִּי שֶׁהַיָּד סוֹלֶדֶת בָּהֶן מוּתָּר: One may use water heated by fire for first waters, even if it is so hot that one's hand recoils from it, i.e., water that could cause a baby's stomach to be scalded (see *Shabbat* 40b). The *halakha* is in accordance with the second version of Rav Yitzḥak bar Yosef's statement citing Rabbi Yannai (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:16; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 160:6).

NOTES

But if the hand recoils from it one may not wash with it – אֲבָל הַיָּד סוֹלֶדֶת בָּהֶן אֵין נוֹטְלִין בָּהֶן: The reason is that this water is considered to have changed from its normal state, and it is therefore no longer defined as regular water (Rashi).

Between one cooked dish and another cooked dish, etc. – בֵּין תַּבְשִׁיל לְתַבְשִׁיל וכו׳: Some commentaries explain that the phrase: Between one cooked dish and another cooked dish, is referring to two cooked dishes of the same type, i.e., both are either dishes cooked with meat in a pot or dishes cooked with cheese in a pot. By contrast, the phrase: Between a cooked dish and cheese, means after eating cheese and before eating a dish cooked with meat. In that case, middle waters are obligatory, just like any case of eating meat after eating cheese, where one is obligated to wash one's hands. One may not eat cheese after eating a dish cooked with meat until the next meal, even if he washes his hands (*Tosafot*, citing Rashbam).

Others explain that the phrase: Between one cooked dish and another cooked dish, is referring to eating a dish cooked with meat and then eating a dish cooked with cheese. In this case, Rav Naḥman maintains that middle waters are optional since neither dish contains actual pieces of meat or cheese, but only their flavor due to having been cooked with either the meat or cheese. The clause: Between a cooked dish and cheese, is referring to eating a dish cooked with meat and subsequently eating cheese. Since one wishes to eat cheese, it is obligatory to wash his hands first (Rabbeinu Tam).

The Rema reports that the custom is to be stringent in accordance with the opinion of the Rashbam and not to eat cheese after eating a dish cooked with meat. This formulation indicates that it would be permitted to eat a dish cooked with cheese following a dish cooked with meat, but later authorities state that the common custom is to refrain from this (Rabbi Akiva Eiger). The Rema also states that the custom is to wash one's hands between eating a dish cooked with cheese and a dish cooked with meat (*Shulḥan Arukh*, *Yoreh De'a* 89:3 in the comment of Rema).

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אָמַר רַב יְהוּדָה בְּרֵיהּ דְּרַבִּי חִיָּיא: מִפְּנֵי מָה אָמְרוּ מַיִם אַחֲרוֹנִים חוֹבָה – שֶׁמַּלַּח סְדוֹמִית יֵשׁ, שֶׁמְּסַמֵּא אֶת הָעֵינַיִם. אָמַר אַבַּיֵי: וּמִשְׁתְּכַח כִּי קוֹרְטָא בְּכוֹרָא. אָמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: כָּל מִלְּחָא מַאי? אָמַר לֵיהּ: לָא מִבָּעְיָא.

§ The *baraita* further teaches that final waters are an obligation. **Rav Yehuda, son of Rabbi Ḥiyya, says: For what** reason did the Sages **say that final waters are an obligation?** It is **because Sodomite salt**[B] **is** sometimes **present,** a small amount of **which blinds the eyes.** Since Sodomite salt could remain on one's hands, one must wash them after eating. **Abaye said: And** this type of dangerous salt **is present** in the proportion of **a pinch** [***korta***][L] **in** an entire ***kor***[L] of regular salt. **Rav Aḥa, son of Rava, said to Rav Ashi:** If one **measured salt** between meals, **what** is the *halakha*? Must he wash his hands afterward? **He said to him: It is not necessary** to say this; he is certainly obligated to do so.

אָמַר אַבַּיֵי: מֵרִישׁ הֲוָה אָמִינָא הַאי דְּלָא מְשׁוּ מַיָּא בַּתָּרַאי עַל אַרְעָא – מִשּׁוּם זוּהֲמָא. אֲמַר לִי מָר: מִשּׁוּם דְּשָׁרְיָא רוּחַ רָעָה עֲלַיְיהוּ.

§ **Abaye said: At first I would say** that **this** *halakha* **that one may not wash** his hands with **final waters over the ground** is **due to messiness.** But the **Master,** Rabba, **said to me** that it is **because an evil spirit rests upon** the water and passersby are liable to be afflicted.

וַאֲמַר אַבַּיֵי: מֵרִישׁ הֲוָה אָמִינָא, הַאי דְּלָא שְׁקִיל מִידִּי מִפַּתּוֹרָא כִּי נָקֵיט אִינִישׁ כָּסָא לְמִשְׁתֵּי – שְׁמָא יֵיאֵרַע דָּבָר קַלְקָלָה בַּפְּעוּדָה. אֲמַר לִי מָר: מִשּׁוּם דְּקָשֵׁי לְרוּחַ צְדָדָא.

And Abaye also **said: At first I would say** that the reason for **this** statement of the Sages **that one should not take anything from the table when a person is holding a cup to drink,** is **lest a mishap occur at the meal,** i.e., the one holding the cup might have wanted the item that was taken, and since he is unable to speak he will choke in his anger. But **the Master** subsequently **said to me** that it is **because it is bad for** one's health, causing **a spirit of** pain in **half** his head,[N] i.e., a migraine.

וְלָא אֲמָרַן – אֲבָל דְּשָׁקֵיל וְלָא מַהֲדַר, אֲבָל מִשְׁקַל וְאַהֲדוּרֵי – לֵית לָן בָּהּ. וְלָא אֲמָרַן – אֲבָל חוּץ לְאַרְבַּע אַמּוֹת, אֲבָל תּוֹךְ אַרְבַּע אַמּוֹת – לֵית לָן בָּהּ. וְלָא אֲמָרַן – אֲבָל מִידִּי דְּצָרִיךְ לִסְעוּדְתָּא, אֲבָל מִידִּי דְּלָא צָרִיךְ לִסְעוּדְתָּא – לֵית לָן בָּהּ.

And we said that this practice is prohibited **only if one takes** an item from the table **and does not put** it **back. But** as for **taking and putting back, we have no** problem **with it. And** likewise, **we said** it is prohibited **only** if one takes the item **beyond four cubits** of the table. **But** if one leaves it **within four cubits, we have no** problem **with it. And** furthermore, **we said** this *halakha* **only** with regard to **an item that is necessary for the meal. But** in the case of **an item that is not necessary for the meal, we have no** problem **with it.**

מָר בַּר רַב אַשִׁי קָפִיד אַפִּילּוּ אַאֲסִיתָא וּבוּכְנָא דְּתַבְלֵי – מִידִּי דְּצָרִיכִי לִסְעוּדְתָּא.

The Gemara relates that **Mar bar Rav Ashi was particular** not to remove any object from the table when someone was holding his cup in hand, **even with regard to a mortar** [***asita***][L] **and pestle** [***bukhna***][L] **for spices,** like all **items that are necessary for the meal.**

וַאֲמַר אַבַּיֵי: מֵרִישׁ הֲוָה אָמִינָא, הַאי דְּכָנְשִׁי נַשְׁווֹרָאָה – מִשּׁוּם מְנַקִּירוּתָא. אֲמַר לִי מָר: מִשּׁוּם דְּקָשֵׁי לַעֲנִיוּתָא.

And Abaye further **said: At first I would say** that **this** practice **that** people **collect the crumbs** of bread after a meal is **due to cleanliness.** But **the Master** subsequently **said to me** that it is **because** leaving them **is bad for,** i.e., it can increase, a person's vulnerability to **poverty.**[H]

BACKGROUND

Sodomite salt – מֶלַח סְדוֹמִית: This salt is probably magnesium chloride, $MgCl_2$, which is found in extremely high concentrates in the Dead Sea, which is consistent with the name Sodomite salt, as that was the location of Sodom. Magnesium chloride can easily become intermingled with regular salt, which is extracted in great quantities along the shores of the Dead Sea. Since magnesium chloride is poisonous, there is a danger that its introduction into the eye by unwashed hands could lead to an eye infection.



Salt crystal formation at the Dead Sea

NOTES

Bad for a spirit of pain in half his head – דְּקָשֵׁי לְרוּחַ צְדָדָא: Commentaries offer numerous interpretations of this phrase. These include that it causes one to become confused or feel faint, that it causes a headache affecting half the head, i.e., a migraine (Rashash, Rashi, and Rashbam on *Pesaḥim* 111b), and that it causes epilepsy (Rabbeinu Gershom). Nevertheless, later commentaries conclude that whatever the illness, it is a product of the forces of impurity, which are no longer in existence, and one need not be concerned with this issue today (*Ben Yehoyada*).

HALAKHA

Because it is bad for poverty – מִשּׁוּם דְּקָשֵׁי לַעֲנִיוּתָא: Although it is permitted to eradicate crumbs that are smaller than an olive-bulk it is improper to do so, because this practice leads to poverty. Some say that this applies only if one treads on them, but it is permitted to throw them into water (*Magen Avraham*). If the crumbs are an olive-bulk or larger one should not dispose of them, even by using methods other than treading on them. *Sha'arei Teshuva* cites the Mahara Galanti, who states in his introduction to the *Zohar* that there is no prohibition if all the crumbs together do not amount to an olive-bulk (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 180:4).

LANGUAGE

Pinch [*korta*] – קוֹרְטָא: A *korta* is a small piece or a crumb, similar to the Greek κεράτιον, *keration*. Apparently the measurement used for the weight of diamonds, a carat, is from the same Greek source, although these words might have a Semitic origin. Some sources assert that the word *koret* is a slight variation of *keretz*, which means a slice or small piece.

***Kor* – כּוֹר:** The *kor*, the largest measurement of volume that appears in the sources, equals thirty *se'a*. Estimates of its size range from 240 to 480 ℓ; the large difference in estimates is due to disputes with regard to smaller halakhic measurements.

Mortar [*asita*] – אַאֲסִיתָא: Probably of Aramaic origin. It refers to a mortar, especially one used for preparing beer from barley.

Pestle [*bukhna*] – בּוּכְנָא: This word is of unclear origin, and although some associate it with a similar Greek term, it does not bear the same meaning. In any case, the basic meaning of the word is a vessel, from which it came to refer to elongated vessels with round ends. The same word, spelled slightly differently, has the identical meaning in Hebrew.

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הַהוּא גַּבְרָא, דַּהֲוָה מְהַדַּר עֲלֵיהּ שָׂרָא דַּעֲנִיּוּתָא, וְלָא הֲוָה יְכִיל לֵיהּ – דְּקָא זָהִיר אַנַּשְׁוּורָא טוּבָא. יוֹמָא חַד כְּרַךְ לִיפְתָּא אַיְבְלִי. אֲמַר: הָשְׁתָּא וַדַּאי נָפַל בִּידַאי. בָּתַר דְּאָכֵיל, אַיְיתֵי מָרָא, עָקְרִינְהוּ לְיִבְלִי, שָׁדְיִנְהוּ לְנַהֲרָא. שְׁמַעֵיהּ דְּקָאָמַר: וַוי, דְּאַפְקֵיהּ הַהוּא גַּבְרָא מִבֵּיתֵיהּ!

The Gemara relates: There was **a certain man who was pursued by the ministering angel of poverty, but** the angel **was unable to** impoverish **him, as he was exceptionally careful with regard to crumbs. One day** that man **broke** his **bread over grass,** and some crumbs fell among the blades of grass. The angel **said: Now he will certainly fall into my hands,** as he cannot collect all the crumbs. **After** the man **ate, he brought a hoe, uprooted the grass,** and **threw it into the river.** He subsequently **heard** the ministering angel of poverty **say: Woe** is me, **as that man has removed me from my house,** i.e., my position of comfort.

וַאֲמַר אַבַּיֵי: מֵרֵישׁ הֲוָה אָמִינָא, הַאי דְּלָא שָׁתֵי אוּפָיָא – מִשּׁוּם מְאִיסוּתָא. אֲמַר לִי מָר: מִשּׁוּם דְּקָשֵׁי לְכַרְסָם. מִישְׁתֵּיהּ – קָשֶׁה לְכַרְסָם, מִינְפַּח בֵּיהּ – קָשְׁיָא לְרֵישָׁא, מְדַחֵייהּ – קָשְׁיָא לַעֲנִיּוּתָא. מַאי תַּקָּנְתֵּיהּ? לְשַׁקְעֵיהּ שְׁקוּעֵי.

And Abaye said: At first I would say that **this** practice **that** people **do not drink the foam** from the top of a beverage is followed **because** it is **repulsive.** But **the Master said to me** that it is followed **because it is bad for** one's vulnerability to **catarrh.** The Gemara comments: **Drinking it is bad for catarrh,** while **blowing** off the foam from the drink **is bad for head** pains, and **removing it** with one's hand **is bad for poverty.** If so, **what is its remedy?** How may one drink? He **should sink** the foam inside the beverage and then drink it.

לְכַרְסָם דְּחַמְרָא – שִׁיכְרָא, דְּשִׁיכְרָא – מַיָּא, דְּמַיָּא – לֵית לֵיהּ תַּקָּנְתָּא. וְהַיְינוּ דְּאָמְרִי אֱינָשֵׁי: בָּתַר עָנְיָא אָזְלָא עֲנִיּוּתָא.

The Gemara notes: The treatment **for catarrh** caused by the foam **of wine** is **beer;** the treatment for catarrh caused by the foam **of beer** is **water;** and for catarrh caused by the foam **of water there is no remedy. And this** is in accordance with the adage **that people say: Poverty follows the poor.** Not only does a pauper have nothing to drink other than water, but there also is no treatment for the disease caused by his beverage.

וַאֲמַר אַבַּיֵי: מֵרֵישׁ הֲוָה אָמִינָא, הַאי דְּלָא אָכְלִי יָרָקָא מִכִּישָׁא דַּאֲסַר גִּינָּאָה – מִשּׁוּם דְּמָיְחֲזֵי כְּרַעְבְּתָנוּתָא. אֲמַר לִי מָר: מִשּׁוּם דְּקָשֵׁי לִכְשָׁפִים.

And Abaye said: At first I would say that the reason for **this** practice **that** people **do not eat vegetables from a bundle tied by the gardener** is **because it has the appearance of gluttony,** as he does not wait to untie the bundle to eat. But **the Master said to me** that it is **because** it **is bad for** one's vulnerability to **witchcraft.**

רַב חִסְדָּא וְרַבָּה בַּר רַב הוּנָא הֲווֹ קָאָזְלֵי בְּאוֹרְבָּא. אֲמַרָה לְהוּ הַהִיא מַטְרוֹנִיתָא: אוֹתְבַן בַּהֲדַיְיכוּ! לָא אוֹתְבוּהָ, אֲמַרָה מִלְּתָא – אַסְרַתְהּ לְאוֹרְבָּא. אֲמַרוּ אִינְהוּ מִילְּתָא – שָׁרְיוּהָ. אֲמַרָה לְהוּ: מַאי אִיעֲבִיד לְכוּ, דְּלָא מְקַנַּח לְכוּ בְּחַסְפָּא, וְלָא קָטִיל לְכוּ כִּינָּה אַמְנַיְיכוּ, וְלָא אָכֵיל לְכוּ יָרָקָא מִכִּישָׁא דַּאֲסַר גִּינָּאָה.

The Gemara relates: **Rav Ḥisda and Rabba bar Rav Huna were traveling on a boat. A certain matron said to them: Seat me together with you** on the boat, but **they did not seat her** alongside them. **She said something,** an incantation, and thereby **tied the boat** to its spot so that it could not move. **They** too **said something and** thereby **released it.**[N] That matron **said to them: What can I do to you?** Witchcraft has no power over you, **as** after attending to your bodily functions, **you do not wipe yourselves with an earthenware shard, and you do not kill a louse** that you find **on your garments, and you do not eat vegetables from a bundle tied by the gardener.**

וַאֲמַר אַבַּיֵי: מֵרֵישׁ הֲוָה אָמִינָא, הַאי דְּלָא אָכְלִי יָרָקָא דִּנְפַל אַתַּכְּא – מִשּׁוּם מְאִיסוּתָא, אֲמַר לִי מָר: מִשּׁוּם דְּקָשֵׁה לְרֵיחַ הַפֶּה. וַאֲמַר אַבַּיֵי: מֵרֵישׁ הֲוָה אָמִינָא, הַאי דְּלָא יָתְבִי תּוּתֵי מַרְזֵיבָא – מִשּׁוּם שׁוֹפְכִים. אֲמַר לִי מָר: מִשּׁוּם דִּשְׁכִיחִי מַזִּיקִין.

And Abaye said: At first I would say as follows: The reason for **this** practice **that** people **do not eat vegetables that fell on the table** is **because** it is **replusive.** But **the Master said to me** that it is **because it is bad for halitosis. And Abaye said: At first I would say** that the reason for **this** practice **that** people **do not sit under a gutter** is **because** of the **waste water** that pours out of it. But **the Master said to me** that it is **because demons are** commonly **found** there.

הָנְהוּ שְׁקוּלָאֵי דְּהָווּ דָּרוּ חָבִיתָא דְּחַמְרָא. בָּעוּ לְאֵיתְפּוּחֵי, אוֹתְבוּהָ תּוּתֵי מַרְזֵיבָא, פָּקְעָה. אֲתוּ לְקַמֵּיהּ דְּמָר בַּר רַב אַשִׁי, אַפֵּיק שִׁיפּוּרֵי, שַׁמְּתֵיהּ. אֲתָא לְקַמֵּיהּ, אֲמַר לֵיהּ: אַמַּאי תַּעֲבֵיד הָכִי? אֲמַר לֵיהּ: הֵיכִי אֲעֲבֵיד, כִּי אוֹתְבֵיהּ בְּאוּנַאי?

The Gemara relates: There were **certain porters who were carrying a barrel of wine.** When **they wanted to rest, they placed it under a gutter** and the barrel **burst. They came before Mar bar Rav Ashi,** who **brought out horns and** had them blown as he **excommunicated** the demon of that place. The demon **came before** Mar bar Rav Ashi, and the Sage **said to it: Why did you do this?** The demon **said to him: How** else **should I act, when** these men **place** a barrel **on my ear?**

NOTES

They too said something and thereby released it – אֲמַרוּ אִינְהוּ מִילְּתָא שָׁרְיוּהָ: Like most prohibitions, the prohibition against engaging in witchcraft does not apply when one does so in order to release himself from a dangerous situation. Alternatively, Rav Ḥisda and Rabba did not engage in witchcraft but pronounced one of the sacred names of God (Rashi).

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אֲמַר לֵיהּ: אַתְּ בְּדוּכְתָּא דְּשָׁכִיחִי רַבִּים מַאי בָּעֵית? אַתְּ הוּא דְּשָׁנֵית, זִיל שַׁלֵּים!

Mar bar Rav Ashi **said to it: What are you doing in a place where many** people **are found? You are the one who deviated** from the norm; **go** and **pay** them the value of the barrel of wine. The demon **said to him: Let the Master now set a time for me,** so that I can find the money, **and I will pay.** Mar bar Rav Ashi **set a time for** his payment. **When** that **time arrived,** the demon **delayed** in coming to pay. **When** the demon eventually **came,** Mar bar Rav Ashi **said to it: Why did you not come at** the **time** set for **you?** The demon **said to him:** With regard to **any item that is tied up, or sealed, or measured, or counted, we have no authority to take it.** We are unable to obtain money **until we find an ownerless item.** For this reason, it took him a long time to find enough money to pay for the barrel.

אֲמַר לֵיהּ: מַאי בְּזִמְנָךְ? אֲמַר לֵיהּ: כָּל מִילֵּי דְּצָיֵיר וְחָתֵים וְכָיֵיל וּמָנֵי – לֵית לָן רְשׁוּתָא לְמִשְׁקַל מִינַּיהּ, עַד דְּמַשְׁכְּחִינַן מִידֵּי דְּהֶפְקֵרָא.

וַאֲמַר אַבַּיֵי: מֵרִישׁ הֲוָה אָמִינָא, הַאי דִּשְׁדֵי מַיָּא מִפּוּמָּא דְּחַצְּבָא – מִשּׁוּם צִיבְתָּא. אֲמַר לִי מָר: מִשּׁוּם דְּאִיכָּא מַיִם הָרָעִים.

And Abaye said: At first I would say that **this** practice **that** people **pour out** a little **water from the mouth of a pitcher**[B] before drinking from it is followed **because of twigs** it might contain. But **the Master said to me** that it is followed **because there are foul waters** in the pitcher.

הַהוּא בַּר שִׁידָּא דַּהֲוָה בֵּי רַב פַּפָּא, אָזַל לַאֲתוּיֵי מַיָּא מִנַּהֲרָא, אִיעַכַּב. כִּי אֲתָא, אֲמַרוּ לֵיהּ: אַמַּאי אִיעַכַּבְתְּ? אֲמַר לְהוּ: עַד דְּחָלְפִי מַיִם הָרָעִים. אַדְּהָכִי,

The Gemara relates: There was **a certain son of a demon that was in Rav Pappa's house** as a servant. It **went to bring water from the river,** and **it delayed** in returning. **When it came,** the members of Rav Pappa's household **said to it: Why did you delay? It said to them:** I waited **until the foul waters passed. In the meantime,**

BACKGROUND

Pitcher [*ḥatzva*] – חַצְבָא: A *ḥatzva* is a large earthenware vessel with various functions. Sometimes it was used as a bucket for drawing water, while on other occasions it was used as a storage container for liquids or for soaking items inside it.



Ceramic pitcher from the Second Temple period

Perek **VIII**
Daf **106** Amud **a**

חָזְנְהוּ דְּקָא שָׁדוּ מַיָּא מִפּוּמָּא דְּחַצְבָא, אֲמַר: אִי הֲוָה יָדַעְנָא דִּרְגִילִיתוּ לְמֶיעְבַּד הָכִי – לָא אִיעַכְּבִי.

the demon **saw** the members of Rav Pappa's household **pouring water from the mouth of the pitcher** before drinking from it. The demon **said** to them: **If I had known that you regularly do this, I would not have delayed.** I would have brought the water straight from the river, knowing you would pour out the foul waters.

כִּי אֲתָא רַב דִּימִי אֲמַר: מַיִם הָרִאשׁוֹנִים – הֶאֱכִילוּ בְּשַׂר חֲזִיר,

§ **When Rav Dimi came** from Eretz Yisrael **he said:** Due to the failure to wash with **the first waters,** they ultimately **fed** a Jew **pig meat.** This case involved a storekeeper who would sell different meat to his Jewish and gentile customers. When a Jew who came to eat with him neglected to wash before eating, the storekeeper assumed he was a gentile and fed him pig meat.

אַחֲרוֹנִים – הוֹצִיאוּ אֶת הָאִשָּׁה מִבַּעְלָהּ.

And due to the failure to wash with **final** waters **a woman** was ultimately **divorced from her husband.** In this incident, a host who had stolen his guests' money had lentils on his mustache from a previous meal because he had not washed his hands and mouth after eating. Realizing he had eaten lentils that day, his victims approached the man's wife and said that her husband had instructed them to tell her to return their money. They then claimed that the man told them to tell her that he had eaten lentils that day as proof that they were telling the truth. They thereby fooled his wife into thinking he wanted her to give their money back. Out of anger, the host divorced his wife.

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כִּי אֲתָא רָבִין אֲמַר: רִאשׁוֹנִים – הֶאֱכִילוּ בְּשַׂר נְבֵלָה, אַחֲרוֹנִים – הָרְגוּ אֶת הַנֶּפֶשׁ. אֲמַר רַב נַחְמָן בַּר יִצְחָק, וְסִימָנֵיךְ: אֲתָא רַב דִּימִי – אַפְקָהּ, אֲתָא רָבִין – קְטָלָהּ.

When Ravin came from Eretz Yisrael **he said** the statement slightly differently: Due to the failure to wash with **first** waters, they **fed** a Jew meat from **an animal carcass,** and the failure to wash with **final** waters **killed a person,** as in the second incident the host was so angry with his wife that he killed her. **Rav Naḥman bar Yitzḥak said: And your mnemonic** to remember which Sage said which version is: **Rav Dimi came** and **divorced her** from her husband, i.e., according to his version she was divorced, and **Ravin came** and **killed her,** since in his version the husband killed his wife.

רַבִּי אַבָּא מַתְנֵי חֲדָא מֵהָנֵי וַחֲדָא מֵהָנֵי לְחוּמְרָא.

Rabbi Abba would teach one of these versions involving first waters **and one of them** with regard to final waters, and in both cases he taught **the more severe** version, i.e., he specified the meat of a pig and that the husband killed his wife.

אִיתְּמַר, חַמֵּי טָבֶרְיָא אָמַר: אֵין נוֹטְלִים מֵהֶן לַיָּדַיִם, וְרַבִּי יוֹחָנָן אָמַר: נוֹטְלִין מֵהֶם לַיָּדַיִם. אָמַר רַבִּי יוֹחָנָן: שָׁאַלְתִּי אֶת רַבָּן גַּמְלִיאֵל בְּנוֹ שֶׁל רַבִּי, וְאוֹכֵל טְהָרוֹת, וְאָמַר לִי: כָּל גְּדוֹלֵי גָלִיל עוֹשִׂין כֵּן.

A disagreement **was stated** with regard to **water heated by fire: Ḥizkiyya says** that **one may not wash** his **hands with** such water, **and Rabbi Yoḥanan says** that **one may wash** his **hands with it.**[N] **Rabbi Yoḥanan said: I asked Rabban Gamliel, son of Rabbi** Yehuda HaNasi, about this *halakha*, **and** he was one who would **eat** only in a state of **ritual purity** and was therefore careful about washing his hands; **and he said to me** that **all the great men of the Galilee would do so,** i.e., wash their hands in heated water.

חַמֵּי טְבֶרְיָא, חִזְקִיָּה אָמַר: אֵין נוֹטְלִין מֵהֶם לַיָּדַיִם, אֲבָל מַטְבִּילִין בָּהֶם הַיָּדַיִם. וְרַבִּי יוֹחָנָן אָמַר: כָּל גּוּפוֹ טוֹבֵל בָּהֶן, אֲבָל לֹא פָּנָיו יָדָיו וְרַגְלָיו.

Likewise, with regard to **the hot springs of Tiberias,**[NBH] **Ḥizkiyya says** that **one may not wash** his **hands with** water from them before eating, **but** if there are forty *se'a*, the requisite size of a ritual bath, then **one may immerse the hands** directly **in them,** and this is effective for the ritual of washing the hands before a meal. **And Rabbi Yoḥanan says** that an impure person **may immerse his entire body in** such water to become pure, **but** one may still **not** use it for the immersion of part of his body, such as **his face, hands, and feet,** as this immersion is not considered equivalent to washing the hands.

הָשְׁתָּא כָּל גּוּפוֹ טוֹבֵל בָּהֶם, פָּנָיו יָדָיו וְרַגְלָיו לֹא כָּל שֶׁכֵּן?! אֲמַר רַב פַּפָּא: בְּמִקּוֹמָן – דִּכּוּלֵי עָלְמָא לָא פְּלִיגִי דְּשָׁרֵי. מִשְׁקַל מִינַּייהוּ בְּמָנָא – דִּכּוּלֵי עָלְמָא לָא פְּלִיגִי דַּאֲסִיר. כִּי פְּלִיגִי – דְּפַסְקִינְהוּ בְּבַת בִּירְתָא, מָר סָבַר: גָּזְרִינַן בַּת בִּירְתָא אַטּוּ מָנָא וּמָר סָבַר: לָא גָּזְרִינַן.

The Gemara asks: **Now** that it has been said that one **may immerse his entire body in** the hot springs of Tiberias, is it **not all the more so** permitted for **his face, hands, and feet? Rav Pappa said:** When the water in the hot springs stands **in place, everyone,** both Ḥizkiyya and Rabbi Yoḥanan, **agrees that it is permitted** to immerse one's hands in it. Likewise, **everyone agrees that** to **take from** these waters **in a vessel** and wash one's hands from it **is prohibited. They disagree when one draws** the waters **through a ditch.** One **Sage,** Rabbi Yoḥanan, **holds** that **we decree** against the use of **ditch** water **due to** the concern that one might come to use water in **a vessel, and** one **Sage,** Ḥizkiyya, **holds** that **we do not decree** against it.

כְּתַנָּאֵי: מַיִם שֶׁנִּפְסְלוּ מִשְּׁתִיַּית בְּהֵמָה, בְּכֵלִים – פְּסוּלִים, בַּקַּרְקַע – כְּשֵׁרִין. רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אוֹמֵר: אַף בַּקַּרְקַע, טוֹבֵל בָּהֶן כָּל גּוּפוֹ, אֲבָל לֹא פָּנָיו יָדָיו וְרַגְלָיו.

The Gemara comments: This dispute is **like** a dispute between ***tanna'im,*** as it was taught: When **water that has ceased to be fit for drinking** even **by an animal**[H] is **in vessels,** it is **unfit** for washing the hands, but when it is **in the ground** it is **fit** for immersion, like a ritual bath. **Rabbi Shimon ben Elazar says: Even** when the water is **in the ground,** one **may immerse his entire body in it, but** he may **not** immerse **his face, hands, and feet.**

NOTES

One may wash [*notlin*] his hands with it – נוֹטְלִין מֵהֶם לַיָּדַיִם: Some explain that washing of the hands is called *netila* based on the verse: "And he bore them [*va'yenatlem*], and carried them all the days of old" (Isaiah 63:9), where this verb means lifting. Since the washing of the hands includes raising them afterward, as alluded to in the verse: "Lift up your hands to the Sanctuary" (Psalms 134:2), it was referred to using this word (Rav Hai Gaon). Others suggest that the term is derived from *anatil*, the name of a vessel in the Temple that had the capacity of a quarter-*log* (Ritva; *Torat HaBayit*).

The hot springs of Tiberias – חַמֵּי טְבֶרְיָא: With regard to Ḥizkiyya's opinion that one may not wash his hands in the hot springs of Tiberias, the commentaries explain that it is because the water is so bitter it is unfit to be drunk by a dog. Others add that as this water was initially unsuitable for drinking due to its heat, it remains unfit for washing even after it has cooled (*Kesef Mishne* on Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:9).

BACKGROUND

The hot springs of Tiberias – חַמֵּי טְבֶרְיָא: The Tiberias hot springs, near the Sea of Galilee, contain geothermally heated groundwater at a constant temperature of 60°C. In general, the temperature of rocks within the earth increases with depth. When water percolates deeply enough into the crust, it is heated as it comes into contact with hot rocks. Much of the earth's internal heat is produced by the decay of naturally radioactive elements, which is not considered fire in the normal sense of the term.

HALAKHA

The hot springs of Tiberias, etc. – חַמֵּי טְבֶרְיָא וכו': One may immerse his hands in the hot springs of Tiberias, as it is like any other spring, in which it is permitted to immerse even if it does not contain forty *se'a*. One may not wash his hands with this water utilizing a vessel. The *halakha* is in accordance with the opinion of Ḥizkiyya, as he was Rabbi Yoḥanan's teacher. If one drew the water away from the spring through a ditch on the ground, which does not render it as drawn water and consequently unfit for a ritual bath; or if one drew it through a gutter, which is not considered a vessel, and then cut the connection to the spring, one may immerse his hands in the water if there are the requisite forty *se'a* of a ritual bath. If the water in this ditch is connected to the hot spring, some commentaries maintain that one may not immerse his hands in it (Rashi; Rashba), while others, such as Rabbeinu Yona, rule that one may do so (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:9; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 160:7, and *Magen Avraham* and *Mishna Berura* there).

Water that has ceased to be fit for drinking by an animal – מַיִם שֶׁנִּפְסְלוּ מִשְּׁתִיַּית בְּהֵמָה: Water that is too salty, foul, or bitter for a dog to drink is invalid for washing hands, despite the fact that it is fit for use in a ritual bath, in accordance with the opinion of Rabbi Shimon ben Elazar. In a case where the water is dirtied by clay, if a dog would drink from it then it is valid both for washing the hands and a ritual bath. If a dog would not drink it, it is invalid for both purposes (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:9; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 160:9).

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הָשְׁתָּא כָּל גּוּפוֹ טוֹבֵל בָּהֶן, יָדָיו וְרַגְלָיו לֹא כָּל שֶׁכֵּן? אֶלָּא לָאו דְּמַסְקִינְהוּ בְּבֵת בִּירְתָּא, וּבְהָא פְּלִיגִי: דְּמָר סָבַר – גְּזֵרִינַן בֵּת בִּירְתָּא אַטּוּ מָנָא, וּמָר סָבַר – לָא גָּזְרִינַן.

As above, one might ask: **Now** that one **may immerse his entire body in** the water, is it **not all the more so** the case that one may immerse **his hands and feet** in it? **Rather,** must it **not** be referring to a case **when one draws** the waters **through a ditch? And** if so, **they disagree about this:** One **Sage,** Rabbi Shimon ben Elazar, **holds** that **we decree** against the use of **ditch** water **due to** concern that one may come to use **a vessel, and** one **Sage,** the first *tanna* of that *baraita,* **holds** that **we do not decree** against it.

אָמַר רַב אִידִי בַּר אָבִין, אָמַר רַב יִצְחָק בַּר אָשְׁיָאן: נְטִילַת יָדַיִם לְחוּלִּין מִפְּנֵי סִרְכָּךְ תְּרוּמָה,

§ **Rav Idi bar Avin says** that **Rav Yitzḥak bar Ashiyan says:** The obligation of **washing hands** before eating **non-sacred** food is **due to an ancillary** decree on account of ***teruma,*** the portion of produce designated for the priest, which must be consumed in a state of ritual purity. By rabbinic decree, one's hands are considered impure with second-degree ritual impurity, as they may have touched impure items. Therefore, they render *teruma* impure. Consequently, priests who partake of *teruma* are obligated to wash their hands first. The Sages therefore decreed that all must wash their hands even before eating non-sacred food, so that people not become accustomed to eating without washing their hands, which would in turn lead the priests to partake of *teruma* without washing their hands.

וְעוֹד מִשּׁוּם מִצְוָה. מַאי ״מִצְוָה״? אָמַר אַבַּיֵי: מִצְוָה לִשְׁמוֹעַ דִּבְרֵי חֲכָמִים. רָבָא אָמַר: מִצְוָה לִשְׁמוֹעַ דִּבְרֵי רַבִּי אֶלְעָזָר בֶּן עֲרָךְ, דִּכְתִיב ״וְכֹל אֲשֶׁר יִגַּע בּוֹ הַזָּב וְיָדָיו לֹא שָׁטַף בַּמַּיִם״ – אָמַר רַבִּי אֶלְעָזָר בֶּן עֲרָךְ: מִכָּאן סָמְכוּ חֲכָמִים לִנְטִילַת יָדַיִם מִן הַתּוֹרָה.

And the obligation is **further due to** its being **a mitzva.** The Gemara asks: **What mitzva** does it involve? **Abaye says:** It is **a mitzva to listen to** and obey **the statements of the Sages,** who instituted this washing of the hands. **Rava says:** It is **a mitzva to listen to the statement of Rabbi Elazar ben Arakh, as it is written** with regard to a man who experiences a gonorrhea-like discharge [*zav*]: **"And whomever he that has the issue touches, without having rinsed his hands in water,"** he contracts ritual impurity (Leviticus 15:11), and **Rabbi Elazar ben Arakh says: From here the Sages based washing of the hands** upon a verse **from the Torah.**

אָמַר לֵיהּ רָבָא לְרַב נַחְמָן: מַאי מַשְׁמַע – דִּכְתִיב ״וְיָדָיו לֹא שָׁטַף בַּמַּיִם״ – הָא שָׁטַף טָהוֹר? הָא טְבִילָה בָּעֵי! אֶלָּא הָכִי קָאָמַר: וְאַחֵר שֶׁלֹּא שָׁטַף – טָמֵא.

Rava said to Rav Naḥman: From where is this **inferred?** How can this verse, which concerns a *zav*, be interpreted as referring to washing the hands before a meal? Rava explains: **As it is written: "Without having rinsed his hands in water." Consequently,** one could infer that if he **rinsed** his hands the *zav* becomes **ritually pure. But** this cannot be correct, as verses elsewhere prove that a *zav* **requires** the **immersion** of his entire body. **Rather, this** is what the verse **is saying: And** there is **another** type of person **who,** if he **has not rinsed** his hands in water, is considered like one who is **impure.** The verse thereby serves as the basis for washing the hands.

אָמַר רַבִּי אֶלְעָזָר, אָמַר רַבִּי אוֹשַׁעְיָא: לֹא אָמְרוּ נְטִילַת יָדַיִם לְפֵירוֹת אֶלָּא מִשּׁוּם נְקִיּוּת. סְבוּר מִינָּהּ: חוֹבָה הוּא דְּלֵיכָּא, הָא מִצְוָה אִיכָּא. אֲמַר לְהוּ רָבָא: לֹא חוֹבָה וְלֹא מִצְוָה אֶלָּא רְשׁוּת. וּפְלִיגָא דְּרַב נַחְמָן, דַּאֲמַר רַב נַחְמָן: הַנּוֹטֵל יָדָיו לְפֵירוֹת – אֵינוֹ אֶלָּא מִגַּסֵּי הָרוּחַ.

Rabbi Elazar says that **Rabbi Oshaya says:** The Sages **said** that **washing of the hands** before eating **fruit** is mandatory **only due to cleanliness.** The Gemara comments: **They understood from this** statement that **there is no** true **obligation** to wash the hands before eating fruit, **but there is a mitzva** to do so. **Rava said to them:** This practice is **not an obligation nor a mitzva, but** merely **optional. And** the Gemara notes that Rava **disagrees with Rav Naḥman** in this regard, **as Rav Naḥman said: One who washes his hands** before eating **fruit is nothing other than** one **of the arrogant,** i.e., it is actually prohibited to do so.

אָמַר רַבָּה בַּר בַּר חָנָה: הֲוָה קָאֵימְנָא קַמֵּיהּ דְּרַבִּי אַמִּי וְרַבִּי אַסִּי, אַיְיתוּ לְקַמַּיְיהוּ כַּלְבָּלָה דְּפֵירֵי, וַאֲכָלוּ וְלָא מָשׁוּ יְדֵיהוּ, וְלָא יָהֲבוּ לִי מִידֵּי, וּבְרִיךְ חַד חַד לְחוּדֵיהּ. שְׁמַע מִינָּהּ תְּלָת: שְׁמַע מִינָּהּ, אֵין נְטִילַת יָדַיִם לְפֵירוֹת. וּשְׁמַע מִינָּהּ, אֵין מְזַמְּנִין עַל הַפֵּירוֹת. וּשְׁמַע מִינָּהּ, שְׁנַיִם שֶׁאָכְלוּ – מְצָוָה לֵיחָלֵק.

Rabba bar bar Ḥana said: I was standing before Rabbi Ami and Rabbi Asi when attendants **brought a basket of fruit**[B] **before them, and they ate and did not wash their hands. And they did not give me anything** to eat, to enable me to join the *zimmun*, the quorum required for communal Grace after Meals, **and they each recited a blessing** after eating, **separately.** One may **learn three** *halakhot* **from** this incident. **Learn from it** that **there is no washing of the hands** before **fruit.**[H] **And learn from it** that **one does not issue a *zimmun* on fruit,**[H] i.e., the *halakha* that when three people eat together, one leads the Grace after Meals does not apply when they ate fruit. **And** finally, **learn from it** that if only **two** people **ate,** it is **a mitzva** for them **to separate,**[H] i.e., each should recite the blessing after eating for himself.

BACKGROUND

A basket of fruit – כַּלְבָּלָה דְּפֵירֵי: This refers to a woven basket that was ordinarily made from willow or palm branches but occasionally from other materials. The basket had a wide opening on top and raised sides, although it was not especially deep. It was used for soft fruits, such as dates, grapes, and the like.



Roman fresco of a basket of figs

HALAKHA

One who washes his hands for fruit – הַנּוֹטֵל יָדָיו לְפֵירוֹת: One does not wash his hands either before or after eating non-sacred fruit. Whoever does wash his hands in this case is considered among the haughty of spirit. This applies only if he washes his hands as an obligation, but if he washes for purposes of cleanliness, e.g., if his hands were dirty, there is no problem with it (Rema). The *halakha* is in accordance with the opinion of Rav Naḥman, as he is the later Sage, and in addition, the discussion in tractate *Ḥagiga* follows his ruling (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 158:5).

One does not issue a *zimmun* on fruit – אֵין מְזַמְּנִין עַל הַפֵּירוֹת: The blessing after eating fruit should be recited by each individual separately, as there is no *zimmun* on fruit (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 213:1).

If two people ate it is a mitzva to separate – שְׁנַיִם שֶׁאָכְלוּ מִצְוָה לֵיחָלֵק: Two people who ate together should each recite Grace after Meals independently. If one of them does not know how to recite Grace after Meals, the other should recite it aloud and fulfill the obligation on his behalf. The listener must pay attention to every word and have its meaning in mind, while the one reciting the blessings must intend to fulfill the obligation of the listener (Rema). If the listener does not understand the words, he does not fulfill his obligation through the recitation of the other (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 5:15; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 193:1).

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HALAKHA

In washing of the hands for non-sacred food pour water until the joint of the fingers – נְטִילַת יָדַיִם לְחוּלִּין – עַד הַפֶּרֶק: Washing of the hands must be performed on the entire hand until the wrist. Some say that it need be performed only up to the joints of the fingers to the hand. It is proper to act in accordance with the opinion of Shmuel on 106b (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 161:4 and *Mishna Berura* there).

תַּנְיָא נַמִּי הָכִי: שְׁנַיִם שֶׁאָכְלוּ – מִצְוָה לֵיחָלֵק. בַּמֶּה דְּבָרִים אֲמוּרִים – שֶׁהָיוּ שְׁנֵיהֶם סוֹפְרִים, אֲבָל אֶחָד סוֹפֵר וְאֶחָד בּוּר – סוֹפֵר מְבָרֵךְ וּבוּר יוֹצֵא.

The Gemara notes: **This** *halakha* **is also taught** in a *baraita*: If only **two** individuals **ate,** it is **a mitzva** for them **to separate. In what** case **is this statement said?** It is said **when they were both scribes,** i.e., Torah scholars, who know how to recite Grace after Meals properly. **But** if **one** of them was **a scribe and one** was **an ignoramus,** the **scribe recites Grace** after Meals **and** the **ignoramus fulfills** his obligation by listening to the scribe.

תָּנוּ רַבָּנָן: נְטִילַת יָדַיִם לְחוּלִּין – עַד הַפֶּרֶק, לִתְרוּמָה

The Sages taught in a *baraita*: In **washing of the hands for** consumption of **non-sacred** food, one must pour the water on the area that extends **until the joint** of the fingers.[H] In washing hands **for** consumption of ***teruma*,**[B]

BACKGROUND

***Teruma* – תְּרוּמָה:** Whenever the term *teruma* appears without qualification it refers to the great *teruma*, the portion of the produce designated for the priest after the first fruits have been separated. The Torah (Deuteronomy 18:4; see Numbers 18:12) commands that "the first fruit of your grain, of your wine, and of your oil" be given to a priest, and the Sages extended the scope of this mitzva to include all produce. This mitzva applies only in Eretz Yisrael. Although the Torah does not specify the amount of *teruma* that must be separated, and one may theoretically fulfill his obligation by separating even a single kernel of grain from the entire crop, the Sages instituted a recommended measure: One-fortieth for a generous gift, one-fiftieth for an average gift, and one-sixtieth for a miserly gift. One may not set aside the other tithes before separating *teruma*. *Teruma* is sacred and may be eaten only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15). *Teruma* that becomes impure may no longer be eaten and must be burned, but it remains the property of the priest, who may derive benefit from its burning. Although today *teruma* is not given to priests, as there is no definitive proof of priestly lineage, the obligation to separate *teruma* remains, and a small portion of the produce must be separated before the produce may be eaten.

Perek **VIII**
Daf **106** Amud **b**

BACKGROUND

Until the joint – עַד הַפֶּרֶק:



Joints of the hand

עַד הַפֶּרֶק, קִידּוּשׁ יָדַיִם וְרַגְלַיִם בַּמִּקְדָּשׁ – עַד הַפֶּרֶק, וְכָל דָּבָר שֶׁחוֹצֵץ בְּטְבִילָה בַּגּוּף – חוֹצֵץ בִּנְטִילַת יָדַיִם לְחוּלִּין, וּבְקִידּוּשׁ יָדַיִם וְרַגְלַיִם בַּמִּקְדָּשׁ.

he must pour on the area extending **until the joint.**[BH] In **sanctifying the hands and feet in the Temple** before the service, he must pour the water **until** another **joint,** where the palm meets the wrist. **And any item that** is considered to **interpose** between one's skin and the water **with regard to immersion of the body**[H] in a ritual bath, disqualifying the immersion, likewise **interposes with regard to washing the hands for** eating **non-sacred** food **and with regard to sanctification of the hands and feet in the Temple.**[H]

אָמַר רַב: עַד כָּאן – לְחוּלִּין, עַד כָּאן – לִתְרוּמָה. וּשְׁמוּאֵל אָמַר: עַד כָּאן – בֵּין לְחוּלִּין בֵּין לִתְרוּמָה, לְחוּמְרָא. וְרַב שֵׁשֶׁת אָמַר: עַד כָּאן – בֵּין לְחוּלִּין בֵּין לִתְרוּמָה, לְקוּלָּא.

Rav said this *halakha* to his students while indicating with his hand the joints to which the *baraita* is referring: One washes **until here,** the second joint of the fingers, **for non-sacred** food,[N] and **until there,** the third joint, where the fingers join the palm, **for *teruma*. And Shmuel** disagreed and **said:** One washes **until here both for** eating **non-sacred** food **and for *teruma*,** indicating **the more stringent** location, the third joint where the fingers join the palm. **And Rav Sheshet said: Until here both for** the consumption of **non-sacred** food **and for *teruma*,** indicating **the more lenient** location, the second joint.

NOTES

For non-sacred food – לְחוּלִּין: The dispute here between Rav and Shmuel is referring to the first waters, the washing of the hands before a meal. With regard to the final waters, the washing of the hands after a meal, the *halakha* is that one is obligated to wash only until the second joint of the fingers (Rashba; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 181:4). The later commentaries explain that since the entire purpose of this washing is to remove the residue of food and the Sodomite salt it might contain, one need wash only those areas of the hand where such residue is generally found (*Magen Avraham*).

HALAKHA

Until the joint – עַד הַפֶּרֶק: Whoever partakes of *teruma*, even fruit that is *teruma*, must wash his hands, regardless of whether his hands are ritually impure (Rambam *Sefer Zera'im*, *Hilkhot Teruma* 11:7).

And any item that is considered to interpose with regard to immersion of the body, etc. – וְכָל דָּבָר שֶׁחוֹצֵץ בְּטְבִילָה בַּגּוּף וכו': Any item that interposes with regard to ritual immersion also interposes with regard to the hands, whether one immerses them or washes them (Rambam *Sefer Tahara*, *Sefer Mikvaot* 11:2; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 161:1).

And with regard to sanctification of the hands and feet in the Temple – וּבְקִידּוּשׁ יָדַיִם וְרַגְלַיִם בַּמִּקְדָּשׁ: Any item that interposes with regard to ritual immersion likewise interposes with regard to the sanctification of the hands and feet (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 5:16).

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אֲמַר בַּר הֶדְיָא: הֲוָה קָאֵימְנָא קַמֵּיהּ דְּרַבִּי אַמִּי, וַאֲמַר: עַד כָּאן – בֵּין לְחוּלִּין בֵּין לִתְרוּמָה, לְחוּמְרָא. וְלָא תֵּימָא: רַבִּי אַמִּי – מִשּׁוּם דְּכֹהֵן הוּא, דְּהָא רַבִּי מְיַשָּׁא בַּר בְּרֵיהּ דְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי – הוּא לְיַאי, וַאֲמַר: עַד כָּאן – בֵּין לְחוּלִּין בֵּין לִתְרוּמָה, לְחוּמְרָא.

Bar Hedya said: I was standing before Rabbi Ami, and he said: One washes **until here both for non-sacred** food **and for *teruma*,** indicating **the more stringent** location, the third joint. **And do not say** that **Rabbi Ami** acted this way only **because he is a priest** and acted stringently to avoid confusing *teruma* and non-sacred food. This cannot be, **as Rabbi Meyasha, son of the son of Rabbi Yehoshua ben Levi, is a Levite, and** yet **he** too **said: Until here both for non-sacred** food **and for *teruma*,** indicating **the more stringent** location.

אָמַר רַב: נוֹטֵל אָדָם אֶת שְׁתֵּי יָדָיו שַׁחֲרִית וּמַתְנֶה עֲלֵיהֶן כָּל הַיּוֹם כּוּלּוֹ. אֲמַר לְהוּ רַבִּי אָבִינָא לִבְנֵי

§ **Rav says: A person may wash both** of **his hands in the morning and stipulate with regard to them** that he may eat on the basis of that washing throughout **the entire day,**[H] provided he guards his hands from dirt and ritual impurity. It is likewise related that **Rabbi Avina said to the inhabitants of**

HALAKHA

A person may wash both of his hands in the morning and stipulate with regard to them throughout the entire day – נוֹטֵל אָדָם אֶת שְׁתֵּי יָדָיו שַׁחֲרִית וּמַתְנֶה עֲלֵיהֶן כָּל הַיּוֹם כּוּלּוֹ: One may wash his hands in the morning and stipulate with regard to them that he may eat during the entire day on the basis of that washing. It is permitted to do so even when one is not in exigent circumstances, provided he does not lose focus from preventing them from getting dirty by touching filthy objects. Since the washing of the hands is a mitzva by rabbinic law, the *halakha* is lenient in this regard (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:17; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 164:1 and in the comment of Rema, and *Mishna Berura* there).

Perek **VIII**
Daf **107** Amud **a**

פַּקְתָּא דַּעֲרָבוֹת: כְּגוֹן אַתּוּן, דְּלָא שְׁכִיחִי לְכוּ מַיָּא, מְשׁוּ יְדֵיכוּ מִצַּפְרָא וְאַתְנוּ עֲלַיְיהוּ לְכוּלָּא יוֹמָא. אִיכָּא דְּאָמְרִי: בְּשָׁעַת הַדְּחָק – אִין, שְׁלָּא בְּשָׁעַת הַדְּחָק – לָא, וּפְלִיגָא דְּרַב. וְאִיכָּא דְּאָמְרִי: אַפִּילּוּ שְׁלָּא בְּשָׁעַת הַדְּחָק נַמִּי, וְהֵיינוּ דְּרַב.

the valley of Aravot [*pakta da'aravot*],[L] where there was a shortage of water: People **such as you, for whom water is scarce,** should **wash your hands in the morning and stipulate with regard to them for the entire day. Some say** that Rabbi Avina maintains that **in exigent circumstances, yes,** one should act in this manner, but when one is **not in exigent circumstances,** he should **not** do so. **And** according to this explanation, Rabbi Avina **disagrees with** the opinion of **Rav,** who permitted this practice to all. **And some say** that Rabbi Avina ruled that one may do so **even** when **not in exigent circumstances, and** Rabbi Avina's opinion **is** identical to that **of Rav.**

אָמַר רַב פַּפָּא: הַאי אָרִיתָא דְּדַלָּאֵי – אֵין נוֹטְלִין מִמֶּנּוּ לַיָּדַיִם, דְּלָא אָתוּ מִכֹּחַ גַּבְרָא. וְאִי מִיקָּרֵב לְגַבֵּי דָּוְלָא, דְּקָאָתוּ מִכֹּחַ גַּבְרָא – נוֹטְלִין מִמֶּנּוּ לַיָּדַיִם.

Rav Pappa said: With regard to **this irrigation channel** [***arita dedalla'ei***], into which water is poured from a river using buckets, and which then transports the water to the fields, **one may not wash** his **hands in** it. The reason is that this water **does not come from a person's force,**[H] i.e., it is not poured on the hands by a direct act, as it moves by force of the current in the channel. **But if one draws his hands near the bucket** itself, in such a manner **that** the water poured on his hands **comes from a person's force** before it begins to flow in the channel, then **one may wash** his **hands with it.**

וְאִי בְּזִיעַ דָּוְלָא בְּכוֹנֵס מַשְׁקֶה, מֵילַף לַיְיפֵי – וּמַטְבִּיל בָּהּ אֶת הַיָּדַיִם. וְאָמַר רָבָא: כְּלִי שֶׁנִּיקַּב בְּכוֹנֵס מַשְׁקֶה – אֵין נוֹטְלִין מִמֶּנּוּ לַיָּדַיִם.

And if the bucket in which the water is drawn from the river **is perforated** with a hole large enough **to enable liquid to enter** the vessel[N] when it is placed in the river, the presence of this hole **connects** the water in the channel to the water in the river, as they touch through that hole. **And** therefore, **one may immerse** his **hands in** that channel as he would in the river itself. Yet the perforated bucket is invalid for the washing of the hands by pouring, since it is no longer considered a vessel. As **Rava says:** With regard to **a vessel that is perforated** with a hole large enough **to enable liquid to enter,**[H] **one may not wash** his **hands with it.**

HALAKHA

From a person's force – מִכֹּחַ גַּבְרָא: The water for the washing of the hands must be poured by the direct action of a person. Therefore, if one pours water into a channel from where it flows and irrigates his field, he may not place his hands into the channel for the water to flow on them, as the force of the one who originally poured the water has stopped. If he places his hands close to the spot where the water is poured, the washing is effective, even if he does not position them directly under the flow. This is because the water is considered to flow from the person's action while it is near the source of the flow. If one immersed his hands in this channel they are not considered purified as a result of immersing one's hands in a ritual bath or spring (see 106a), as the water is considered drawn and is therefore invalid for use as a ritual bath (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:14; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 159:7).

A vessel that is perforated to enable liquid to enter – כְּלִי שֶׁנִּיקַּב בְּכוֹנֵס מַשְׁקֶה: A vessel with a hole large enough to enable liquid to enter if it is placed upon a liquid is no longer defined as a vessel. One may not use this vessel for washing of the hands, even if it contains a quarter-*log* from below the hole (see Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:11 and *Kesef Mishne* there; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 159:1 and *Taz* there).

NOTES

Large enough to enable liquid to enter the vessel – בְּכוֹנֵס מַשְׁקֶה: Even if a vessel has a hole in it through which liquid seeps out, if the hole is not large enough to allow water to come in, it is still classified as a vessel.

LANGUAGE

Valley of Aravot [*pakta da'aravot*] – פַּקְתָּא דַּעֲרָבוֹת: The word *pakta* is another form of *bakta*, meaning valley or plain. From other sources, it is known that people worked and lived in such places, despite the fact that they did not have ready access to sources of water. Although it was possible to earn money by selling water in these valleys, one was able to earn only a small profit in the process.

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BACKGROUND

Quarter-*log* – רְבִיעִית: The quarter-*log* is used as the basis for various liquid measurements. Its precise measure is a matter of dispute, with opinions ranging from 80 to 150 cc.

Nehar Pekod – נְהַר פְּקוֹד: Nehar Pekod, a city on the Tigris River slightly northwest of *Meḥoza*, was a commercial center known for its shrewd and aggressive businessmen. Nehar Pekod was also one of the most ancient Jewish cities in Babylonia, possibly dating back to the time of the exile of Jeconiah during the First Temple period. Prior to the bar Kokheva rebellion, Rabbi Akiva visited the city and Rabbi Ḥananya, son of the brother of Rabbi Yehoshua, tried to use that opportunity to establish a rabbinic court in exile with the power to proclaim leap years. Even following the talmudic period, Nehar Pekod remained an important Torah center, and some of the Sages who lived there became heads of yeshivot and *ge'onim*.

Huzal – הוּצָל: Huzal was a small city in Babylonia, south of the city of Neharde'a. This was a very old settlement, and apparently the Jews that resided there belonged to the exiled tribe of Binyamin. In Huzal there was a famous synagogue that was described as a place where the Divine Spirit rests. A few Sages are known to have lived in that city.



Location of Nehar Pekod and Huzal

HALAKHA

A vessel that cannot contain a quarter-*log* – כְּלִי שֶׁאֵין מַחֲזִיק רְבִיעִית: The vessel used for washing of the hands must have the capacity of a quarter-*log*, in accordance with the opinion of Rava (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:12; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 159:1).

וְאָמַר רָבָא: כְּלִי שֶׁאֵין בּוֹ רְבִיעִית – אֵין נוֹטְלִין מִמֶּנּוּ לְיָדַיִם. אִינִי, וְהָאָמַר רָבָא: כְּלִי שֶׁאֵין מַחֲזִיק רְבִיעִית – אֵין נוֹטְלִין מִמֶּנּוּ לְיָדַיִם. הָא מַחֲזִיק – אַף עַל גַּב דְּלֵית בֵּיהּ!

And Rava says: With regard to **a vessel that does not have a quarter-*log*[B] of water in it, one may not wash** his **hands with it.** The Gemara asks: **Is that so? But doesn't Rava say:** With regard to **a vessel that cannot contain a quarter-*log*[H] of water, one may not wash** his **hands with it.** It may be **consequently** inferred that as long as the vessel **can contain** a quarter-*log*, one may use it **even if it does not** currently **have** a quarter-*log* **in it.**

לָא קַשְׁיָא, הָא – לְחַד, הָא – לְתְרֵי. דְּתַנְיָא: מֵי רְבִיעִית נוֹטְלִין לַיָּדַיִם לְאֶחָד, וַאֲפִילּוּ לִשְׁנַיִם.

The Gemara answers: This is **not difficult; this** former statement, requiring a quarter-*log* of actual water, is referring to washing **for one** person, whereas **that** latter statement, requiring only that the vessel have a capacity of a quarter-*log*, is referring to washing **for two** people. If a vessel originally contained a quarter-*log* of water, then even if less than that amount remains after one person has washed his hands, a second individual may use the remainder, which is considered fit based on the water's original volume. **As it is taught** in a *baraita*: With **a quarter-*log* of water, one may wash the hands of one** individual, **and even** those **of two.**

אָמַר לֵיהּ רַב שֵׁשֶׁת לְאַמֵּימָר: קָפְדִיתוּ אַמָּנָא? אֲמַר לֵיהּ: אִין. אַחֲזוּתָא? אֲמַר לֵיהּ: אִין. אַשִּׁיעוּרָא? אֲמַר לֵיהּ: אִין.

Rav Sheshet said to Ameimar: Are you particular about the vessel used for washing hands, that it be wholly intact?[N] Ameimar **said to him: Yes.** Rav Sheshet further inquired: Are you also particular **about the appearance** of the water, that it be normal? Ameimar again **said to him: Yes.** Rav Sheshet further asked: Are you particular **about the measure** of water, that it be no less than one quarter-*log*? Ameimar **said to him: Yes.**

אִיכָּא דְּאָמְרִי, הָכִי אָמַר לֵיהּ: אַמָּנָא וְאַחֲזוּתָא – קָפְדִינַן, אַשִּׁיעוּרָא – לָא קָפְדִינַן. דְּתַנְיָא: מֵי רְבִיעִית נוֹטְלִין לַיָּדַיִם לְאֶחָד, וַאֲפִילּוּ לִשְׁנַיִם.

Some say that **this** is what Ameimar **said to him: We are particular about** the wholeness of **the vessel and about** the water's **appearance,**[N] but **we are not particular about** the water's **measure, as it is taught** in a *baraita*: With **a quarter-*log* of water one may wash the hands of one** individual, **and even** those **of two.** The *baraita* indicates that there is no need for a quarter-*log* for each individual.

וְלָא הִיא, שָׁאנֵי הָתָם – מִשּׁוּם דְּקָאָתוּ מִשִּׁירֵי טָהֳרָה.

The Gemara notes: **And it is not so,** i.e., one cannot derive from the *baraita* that the measure of water is immaterial. **It is different there because** there the water **comes from the remainder of** a measure initially sufficient for **purity.** If there was not initially a quarter-*log*, the water is unfit for even one person.

אַתְקֵן רַב יַעֲקֹב מִנְּהַר פְּקוֹד נַטָלָא בַּת רְבִיעָתָא. אַתְקֵן רַב אַשִׁי בְּהוּצָל כּוּזָא בַּת רְבִיעָתָא.

The Gemara relates: **Rav Ya'akov from Nehar Pekod[B] prepared a glass vessel that could contain a quarter-*log*** of water for washing his hands. **Rav Ashi in Huzal[B]** likewise **prepared an earthenware vessel that could contain a quarter-*log*.**

NOTES

Are you particular about the vessel that it be wholly intact – קָפְדִיתוּ אַמָּנָא: The *ge'onim* explain that the reason the Sages required the washing of the hands to be performed with a vessel is that they modeled it after the ritual of the waters of purification of the red heifer and the sanctification of the hands and feet for the Temple service. Just as a vessel must be used for the waters of purification and the sanctification of the hands and feet, the same applies to the washing of the hands (Ramban, citing Rav Aḥa of Shavḥa and *Halakhot Gedolot*).

We are particular about the vessel and about its appearance – וְאַחֲזוּתָא קָפְדִינַן: The water must not have the appearance of ink, or be dirty from other dyes, soot, smoke, or certain other substances that affect the appearance of water when mixed with it. But if the appearance of the water was changed by dust or mud, the water is not invalidated for washing of the hands (*Zevaḥim* 22a). The commentaries suggest that this is because water in its natural place is often mingled with dust and mud (*Shulḥan Arukh HaRav*). Furthermore, if one leaves that water alone, the mud and dust will eventually settle to the bottom of the vessel and the water will once again become clear. Consequently, this change in appearance is merely temporary (*Peri Megadim*; see also *Mishna Berura*).

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וְאָמַר רָבָא: מְגוּפַת חָבִית שֶׁתִּקְּנָהּ – נוֹטְלִין מִמֶּנָּה לַיָּדַיִם. תַּנְיָא נַמִּי הָכִי: מְגוּפַת חָבִית שֶׁתִּקְּנָהּ – נוֹטְלִין מִמֶּנָּה לַיָּדַיִם. חֵמֶת וּכְפִישָׂה שֶׁתִּקְּנָן – נוֹטְלִין מֵהֶם לַיָּדַיִם. שַׂק וְקוּפָּה, אַף עַל פִּי שֶׁמְּקַבְּלִים – אֵין נוֹטְלִין מֵהֶם לַיָּדַיִם.

And Rava says: If **one prepared the stopper of a barrel**[B] for use as a vessel by hollowing it out until it contained a quarter-*log*, **one may wash** his **hands with it,** even though it was not originally designated for this function. **This** ruling **is also taught** in a *baraita*: If **one prepared the stopper of a barrel** for this purpose, **one may wash** his **hands with it.** Likewise, with regard to a ***ḥemet***[B] **and a *kefisha*,** types of leather wineskins, **that one prepared** for this purpose, **one may wash** his **hands with them,** as they were initially designed to hold liquids. But with regard to **a sack**[B] **and a basket,**[B] **even if they can contain** water, **one may not wash** his **hands with them,** as no sack or basket is designed to hold water, and most cannot.

אִיבַּעְיָא לְהוּ: מַהוּ לֶאֱכוֹל בְּמַפָּה? מִי חָיְישִׁינַן דִּלְמָא נָגַע, אוֹ לָא?

A dilemma was raised before the Sages: **What is** the *halakha* **with regard to eating with a cloth** [***mappa***][L] on one's hands, rather than washing them to purify them? **Are we concerned** that **perhaps** he will **touch** the food with his hands, **or not?**

תָּא שְׁמַע: וּכְשֶׁנָּתְנוּ לוֹ לְרַבִּי צָדוֹק[P] אוֹכֶל פָּחוֹת מִכְּבֵיצָה – נוֹטְלוֹ בְּמַפָּה, וְאוֹכְלוֹ חוּץ לַסּוּכָּה, וְאֵין מְבָרֵךְ אַחֲרָיו. מַאי לָאו, הָא כְּבֵיצָה – בָּעֵי נְטִילַת יָדַיִם!

The Gemara suggests: **Come** and **hear** proof from a mishna (*Sukka* 26b): **And when they gave Rabbi Tzadok**[P] on the festival of *Sukkot* **less than an egg-bulk**[B] **of food, he took** the food **in a cloth, and he ate it outside the *sukka*,** as he held one is not obligated to eat food of this amount in a *sukka*. **And he did not recite a blessing after** eating **it,** since less than an egg-bulk does not satisfy the verse: "And you shall eat and be satisfied and bless the Lord your God" (Deuteronomy 8:10). **What, is it not** to be inferred that **consequently,** if one eats **an egg-bulk,** it **requires washing of the hands,** even if one uses a cloth?

דִּלְמָא – הָא כְּבֵיצָה בָּעֵי סוּכָּה וּבָעֵי בִּרְכָה.

The Gemara rejects this: **Perhaps** one can conclude from that mishna only that **consequently,** if one eats **an egg-bulk** he **needs** to do so in **a *sukka* and needs** to recite **a blessing** after eating; but he can still use a cloth instead of washing his hands.

תָּא שְׁמַע, דִּשְׁמוּאֵל אַשְׁכְּחֵיהּ לְרַב דְּקָאֲכִיל בְּמַפָּה, אֲמַר לֵיהּ:

The Gemara suggests: **Come** and **hear** proof from an incident **where Shmuel found Rav eating with a cloth** rather than washing his hands, and Shmuel **said to him:**

LANGUAGE

Cloth [*mappa*] – מַפָּה: From the Latin mappa, referring to a piece of cloth used for cleaning and covering objects or as a standard or flag.

PERSONALITIES

Rabbi Tzadok – רַבִּי צָדוֹק: The reference is apparently to Rabbi Tzadok the priest, who in his later years, at the time of the destruction of the Temple, was one of the greatest Sages of the Jewish people. It is said that he fasted frequently in prayer that the Temple not be destroyed, during the forty years prior to its destruction. The leader of that generation, Rabbi Yoḥanan ben Zakkai, held Rabbi Tzadok in such high regard that he requested from the emperor Vespasian to procure a special doctor to care for him, as he had become emaciated by his fasts. Several sources attest to Rabbi Tzadok's expertise in engineering and mathematics.

Rabbi Elazar, son of Rabbi Tzadok, was one of the most prominent Sages of the subsequent generation, and was respected in the house of the *Nasi*. Rabbi Elazar often cites customs of his father's house and of the household of the *Nasi*.

BACKGROUND

Stopper of a barrel – מְגוּפַת חָבִית: The stopper of a wine barrel was generally made of earthenware and placed in the narrow mouth of the barrel. This stopper was effectively a vessel in its own right. When wine was transported from one place to another or placed in storage for an extended period, mud would be pasted around the stopper to seal the mouth of the barrel entirely. In order to open the barrel they would break the mud cover.



Sketch of an earthenware barrel

Ḥemet – חֵמֶת: The *ḥemet* was a leather vessel used for containing liquids, i.e., a wineskin. The *ḥemet*, which was light enough to be carried on one's back, was generally made from the hide of an animal's legs. The animal was skinned carefully, after which the holes of the legs were sewn up. A *ḥemet* served for the extended storage of liquids and for convenient drinking.

Sack – שַׂק: The sack mentioned in the Bible and by the Sages is generally coarse woven from goat hair. This term is used whether the woven article is in the shape of a sack or some other item. Since the hair of goats was usually black, sacks were typically black as well.

Basket [*kuppa*] – קוּפָּה: A *kuppa* is a vessel that was generally used for the storage of valuable items. It came in various shapes, e.g., a small cupboard or a box, as well as a basket in which objects can be safeguarded.

Egg-bulk – בֵּיצָה: The egg-bulk, i.e., the volume of the average egg of a chicken with its shell, is one of the most common measurements in the Talmud and is used for rulings in various areas of *halakha*. The egg-bulk is the basis for many measurements, including the *kav*, *se'a*, ephah, and *kor*. Opinions as to the size of an egg-bulk range from 58 to 100 cc.


Man carrying jug fashioned from a whole hide

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עֲבִידִין כְּדֵין? אֲמַר לֵיהּ: דְּעִתִּי קְצָרָה עָלַי.

Do we act in this manner? Rav **said to** Shmuel: I did wash my hands, but as **I am delicate** I do not wish to hold food in my bare hands; therefore I covered them with a cloth.

כִּי סָלֵיק רַבִּי זֵירָא, אַשְׁכַּחֵינְהוּ לְרַבִּי אַמִּי וְרַבִּי אַסִּי דְּקָאָכְלִי בִּבְלָאֵי חֲמָתוֹת. אֲמַר: תְּרֵי גַּבְרֵי רַבְרְבֵי כְּוָותַיְיכוּ לִיטְעוּ בִּדְבַר וּשְׁמוּאֵל! הָא ״דַּעְתִּי קְצָרָה״ קָאָמַר.

The Gemara further relates: **When Rabbi Zeira left** Babylonia for Eretz Yisrael, **he found Rabbi Ami and Rabbi Asi eating** bread while covering their hands **with worn** pieces of **wineskins,** rather than washing them. Rabbi Zeira **said** to them: Could **two great men such as yourselves err with regard to** the incident of **Rav and Shmuel** related above? After all, Rav **said** to Shmuel: I am using a cloth because **I am delicate;** he did wash his hands beforehand.

אִשְׁתַּמִּיטַתֵּיהּ הָא דַּאֲמַר רַב תַּחְלִיפָא בַּר אֲבִימִי אֲמַר שְׁמוּאֵל: הִתִּירוּ מַפָּה לְאוֹכְלֵי תְרוּמָה, וְלֹא הִתִּירוּ מַפָּה לְאוֹכְלֵי טָהֳרוֹת, וְרַבִּי אַמִּי וְרַבִּי אַסִּי כֹּהֲנִים הָווּ.

The Gemara notes: **It escaped** Rabbi Zeira's **mind that Rav Taḥlifa bar Avimi said** that **Shmuel said:** The Sages **permitted** the consumption of bread while the hands are wrapped with **a cloth** rather than washed, specifically **to** priests **who partake of *teruma*,** as they are careful not to touch the bread with their hands. **But they did not permit** the use of **a cloth** in this manner **to** non-priests, even those **who** are particular to **eat** non-sacred food in a state of **ritual purity,** as they do not maintain the same level of diligence as priests. **And** since **Rabbi Ami and Rabbi Asi were priests,** it was permitted for them to eat with a cloth.

אִיבַּעְיָא לְהוּ: אוֹכֵל מֵחֲמַת מַאֲכִיל, צָרִיךְ נְטִילַת יָדַיִם אוֹ לֹא? תָּא שְׁמַע, דְּרַב הוּנָא בַּר סְחוֹרָה הֲוָה קָאֵי קַמֵּיהּ דְּרַב הַמְנוּנָא, בְּלַם לֵיהּ אוּמְצָא וְאָכֵיל. אֲמַר לֵיהּ: אִי לָאו דְּרַב הַמְנוּנָא אַתְּ, לָא סָפֵינָא לָךְ.

A dilemma was raised before the Sages: If one **eats by means of** another **feeding** him, without himself touching the food, does he **need to wash hands** before eating **or not?** The Gemara suggests: **Come** and **hear** proof from the following incident **where Rav Huna bar Seḥora was standing before Rav Hamnuna** and serving him. Rav Huna bar Seḥora **cut a slice of meat for** Rav Hamnuna[N] and placed it in his mouth, **and he ate** it. Rav Huna bar Seḥora **said to** Rav Hamnuna: **Were you not Rav Hamnuna, I would not feed you** in this fashion.

מַאי טַעְמָא, לָאו מִשּׁוּם דְּזָהִיר וְלָא נָגַע? לָא, דְּזָרִיז קָדֵים, וּמָשֵׁי יָדֵיהּ מֵעִיקָּרָא.

The Gemara infers from this episode: **What is the reason** that it was permitted for Rav Hamnuna to eat in such a manner? Is it **not because he was careful not to touch** the food with his hands? This indicates that someone may be fed even without washing his hands. The Gemara rejects this: **No,** one can say **that he was vigilant** and **went ahead and washed his hands at the outset.**

תָּא שְׁמַע, דַּאֲמַר רַבִּי זֵירָא אֲמַר רַב: לֹא יִתֵּן אָדָם פְּרוּסָה לְתוֹךְ פִּיו שֶׁל שַׁמָּשׁ, אֶלָּא אִם כֵּן יוֹדֵעַ בּוֹ שֶׁנָּטַל יָדָיו, וְהַשַּׁמָּשׁ מְבָרֵךְ עַל כָּל כּוֹס וְכוֹס, וְאֵינוֹ מְבָרֵךְ עַל כָּל פְּרוּסָה וּפְרוּסָה. וְרַבִּי יוֹחָנָן אָמַר: מְבָרֵךְ עַל כָּל פְּרוּסָה וּפְרוּסָה.

The Gemara suggests: **Come** and **hear** proof from that **which Rabbi Zeira said** that **Rav said: A person may not place a slice** of bread **into the mouth of** the **attendant**[H] serving at a meal **unless he knows that he has washed his hands. And** it was also stated that **the attendant recites a blessing over each and every cup**[H] of wine presented to him at a meal. This is because he never knows if he will receive another cup, and he cannot intend that his initial blessing apply to a cup he does not know he will receive. **But** he **does not recite a blessing over each and every slice** of bread given to him. **And Rabbi Yoḥanan says** that he must **recite a blessing over each and every slice** he receives.

אֲמַר רַב פַּפָּא: בְּשְׁלָמָא דְּרַב וְרַבִּי יוֹחָנָן לָא קַשְׁיָא, הָא – דְּאִיכָּא אָדָם חָשׁוּב, הָא – דְּלֵיכָּא אָדָם חָשׁוּב.

Rav Pappa said: Granted, the apparent contradiction between the opinions **of Rav and Rabbi Yoḥanan** is **not difficult;** one can resolve it by saying that **this** statement of Rav, that the attendant need not recite a blessing for every slice of bread, is referring to a case **where there is an important person**[H] at the meal. Since the attendant is confident that the important person will ensure the attendant receives enough to eat, his initial blessing applies to each slice he receives. And **that** statement of Rabbi Yoḥanan is referring to a meal **where there is no important person.** Since the attendant is not confident that he will receive another slice, he must recite a new blessing whenever he does receive one.

NOTES

Cut [*belam*] a slice of meat for Rav Hamnuna – בְּלַם לֵיהּ אוּמְצָא: The early commentaries explain that although the Gemara states that Rav Huna bar Seḥora gave Rav Hamnuna a slice of meat, he actually gave him bread as well. Otherwise, for the consumption of meat without bread, there would have been no obligation of washing the hands (*Tosafot*; Rashba). Some later commentaries contend that the text should read *balas*, mixed, i.e., he gave him a mixture of meat and bread (Ya'avetz; Gra).

HALAKHA

A person may not place a slice of bread into the mouth of the attendant, etc. – לֹא יִתֵּן אָדָם פְּרוּסָה לְתוֹךְ פִּיו שֶׁל שַׁמָּשׁ וכו': It is prohibited to give a slice of bread to an attendant at a meal, unless one knows that the attendant has washed his hands. Later authorities explain that this concern that the recipient might not have washed his hands applies only to an attendant, as he is occupied, but no one else is suspected of neglecting the obligation. Some are stringent even with regard to others (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:19; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 169:1 and *Magen Avraham* there).

And the attendant recites a blessing over each and every cup – וְהַשַּׁמָּשׁ מְבָרֵךְ עַל כָּל כּוֹס וְכוֹס: Although an attendant standing before diners should not eat with them, it is proper practice to place in his mouth some of each dish so that he does not suffer from watching others eat. If he is given wine, he must recite a blessing over each and every cup he receives, as he does not know how many cups will be given to him (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 7:7; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 169:3).

Where there is an important person, etc. – דְּאִיכָּא אָדָם חָשׁוּב וכו': If an attendant is serving at a meal at which an important person is present, so that the attendant is confident he will receive all the food he requires, he does not recite a blessing over every slice of bread he is given. If there is no important person present, then the attendant must recite a blessing over each and every slice, as is the case with regard to cups of wine (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 7:7; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 169:3).

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מִכָּל מָקוֹם הָא קָאָמַר "אֶלָּא אִם כֵּן יוֹדֵעַ שֶׁנִּטַּל יָדָיו"! שָׁאנֵי שַׁמָּש, דִּטְרִיד.

In any case, Rav first **says** that one should not place a slice into the attendant's mouth **unless he knows that he has washed his hands.** This indicates that one who is fed by another must wash his hands. The Gemara responds: The case of **an attendant is different, as** he **is occupied** with his duties and may touch the food inadvertently. Therefore, he specifically may not eat without washing his hands.

תָּנוּ רַבָּנַן: לֹא יִתֵּן אָדָם פְּרוֹסָה לַשַּׁמָּשׁ, בֵּין שֶׁהַכּוֹס בְּיָדוֹ בֵּין שֶׁהַכּוֹס בְּיָדוֹ שֶׁל בַּעַל הַבַּיִת, שֶׁמָּא יֶאֱרַע דָּבָר קַלְקָלָה בַּסְּעוּדָה. וְהַשַּׁמָּשׁ שֶׁלֹּא נָטַל יָדָיו – אָסוּר לִיתֵּן פְּרוֹסָה לְתוֹךְ פִּיו.

§ **The Sages taught** in a *baraita*: **A person** who is a guest **may not give a slice** of bread from the meal in front of him **to the attendant** serving, **whether a cup is in** the attendant's **hand**[H] **or a cup is in the host's hand, lest a mishap occur at the meal.** The host might become angry or distracted by the concern that there will not remain enough food for his guests, and the cup will fall from his hand. If the cup is in the attendant's hand, he might drop it while accepting food from the guest. **And** with regard to **an attendant who has not washed his hands,** it **is prohibited to place a slice** of bread **into his mouth.**

אִיבַּעְיָא לְהוּ: מַאֲכִיל, צָרִיךְ נְטִילַת יָדַיִם אוֹ אֵינוֹ צָרִיךְ?

§ **A dilemma was raised before** the Sages: **Does one who feeds** another **need to wash** his **hands,** since his hands are touching the food? **Or** perhaps **he does not need** to wash his hands, as he himself is not eating.

תָּא שְׁמַע, דְּתָנֵי דְּבֵי מְנַשֶּׁה, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: אִשָּׁה מְדִיחָה אֶת יָדָהּ אַחַת בַּמַּיִם, וְנוֹתֶנֶת פַּת לִבְנָהּ קָטָן. אָמְרוּ עָלָיו עַל שַׁמַּאי הַזָּקֵן שֶׁלֹּא רָצָה לְהַאֲכִיל בְּיָדוֹ אַחַת, וְגָזְרוּ עָלָיו שֶׁיַּאֲכִיל בִּשְׁתֵּי יָדָיו.

The Gemara suggests: **Come** and **hear** a resolution to the dilemma from **that** which **the school of Menashe taught** that **Rabban Shimon ben Gamliel says: A woman may rinse one hand in water** on Yom Kippur, so that she does not touch food before she has washed her hands in the morning, **and give bread to her minor son,**[H] without concern about violating the prohibition against bathing on Yom Kippur. **They said about Shammai the Elder that he did not want to feed** his children **with** even **one hand** on Yom Kippur, to avoid having to wash it. **But** due to concerns about the health and well-being of his children, **they decreed that he must feed** them **with two hands,** forcing him to wash both. Apparently one who feeds another must wash his hands, even though he himself is not eating.

אָמַר אַבַּיֵי: הָתָם מִשּׁוּם שִׁיבְתָּא.

Abaye said: The reason for the washing **there** is not on account of the food specifically. Rather, it is **due to** an evil spirit named **Shivta,**[B] who contaminates hands that have not been washed in the morning. As long as one washes his hands in the morning, perhaps he need not wash them again to feed another.

תָּא שְׁמַע: דַּאֲבוּהּ דִּשְׁמוּאֵל אַשְׁכְּחֵיהּ לִשְׁמוּאֵל דְּקָא בָּכֵי. אֲמַר לֵיהּ: אַמַּאי קָא בָּכֵית? דְּמָחֲיִין רַבָּאי. אַמַּאי? דַּאֲמַר לִי: קָא סָפֵית לִבְרָאי וְלָא מָשֵׁית יְדֵיהּ. וְאַמַּאי לָא מָשֵׁית? אֲמַר לֵיהּ: הוּא אָכֵיל וַאֲנָא מָשֵׁינָא?!

The Gemara further suggests: **Come** and **hear** a resolution to the dilemma from the following incident, **as Shmuel's father found** the young **Shmuel crying,** and **said to him: Why are you crying?** Shmuel replied: **Because my teacher struck me.** His father asked: **Why** did he strike you? Shmuel responded: My teacher **said to me: You are feeding my son, but you did not wash your hands.** His father asked: **And why did you not wash** your hands? Shmuel **said to him:** Only **he,** the teacher's son, **is eating, and I** must **wash my hands?**

אֲמַר לֵיהּ: לָא מִיסְתַּיֵּיהּ דְּלָא גָּמִיר, מִימְחָא נַמִּי מָחֵיץ! וְהִלְכְתָא: אוֹכֵל מֵחֲמַת מַאֲכִיל – צָרִיךְ נְטִילַת יָדַיִם, מַאֲכִיל – אֵינוֹ צָרִיךְ נְטִילַת יָדַיִם.

Shmuel's father **said to him: Is it not enough that** your teacher **did not learn** the *halakha* properly, **that he even strikes you** on account of his error? One who feeds another need not wash his hands if he himself is not eating. The Gemara concludes: **And the *halakha*** is that one who **eats by means of** another **feeding** him **needs to wash** his **hands,**[H] even though he does not touch the food. But **one who feeds** another **does not need to wash** his **hands.**

מתני׳ צוֹרֵר אָדָם בָּשָׂר וּגְבִינָה בְּמִטְפַּחַת אַחַת, וּבִלְבַד שֶׁלֹּא יְהוּ נוֹגְעִין זֶה בָּזֶה. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: שְׁנֵי אַכְסָנָאִין אוֹכְלִין עַל שֻׁלְחָן אֶחָד זֶה בָּשָׂר וְזֶה גְּבִינָה, וְאֵין חוֹשְׁשִׁין.

MISHNA **A person may bind meat and cheese in one cloth,**[H] **provided that they do not come into contact with each other. Rabban Shimon ben Gamliel says: Two** unacquainted **guests** [*akhsena'in*][L] **may eat** together **on one table, this** one eating **meat and that** one eating **cheese,**[H] **and they** need **not be concerned** lest they come to violate the prohibition of eating meat and milk by partaking of the food of the other.

HALAKHA

Whether a cup is in the attendant's hand, etc. – בֵּין שֶׁהַכּוֹס בְּיָדוֹ וכו': With regard to any food brought to the table that has an appetizing aroma, a portion of it must be given to the attendant without delay. It is an attribute of piety to give the attendant some of each and every dish as soon as it is brought. Nevertheless, one should not give him food while a cup is in his hand or the host's hand (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 169:1).

A woman may rinse one hand in water and give bread to her minor son – אִשָּׁה מְדִיחָה אֶת יָדָהּ אַחַת בַּמַּיִם וְנוֹתֶנֶת פַּת לִבְנָהּ קָטָן: A woman may wash one hand with water on Yom Kippur and give bread to her child, in accordance with the opinion of Rabban Shimon ben Gamliel (Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 3:2).

One who eats by means of another feeding him needs to wash his hands – אוֹכֵל מֵחֲמַת מַאֲכִיל צָרִיךְ נְטִילַת יָדַיִם: One who is fed by another must wash his hands before eating, despite the fact that he does not touch the food. The same applies to one who eats with a fork. The Rema writes that it is prohibited to feed someone who has not washed his hands, due to the prohibition (Leviticus 19:14): "You shall not put a stumbling block before the blind" (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 6:18; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 163:2).

A person may bind meat and cheese in one cloth – צוֹרֵר אָדָם בָּשָׂר וּגְבִינָה בְּמִטְפַּחַת אַחַת: One may eat meat and cheese that have come into contact with each other, but he must first rinse the place of the contact. This is required only if one of the food items was moist; if both foods were dry then it is not necessary even to rinse them. It is permitted to bind them in one cloth, and one need not be concerned that they might come into contact with each other (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 91:1 and *Shakh* there).

Two unacquainted guests may eat on one table, this one meat and that one cheese – שְׁנֵי אַכְסָנָאִין אוֹכְלִין עַל שֻׁלְחָן אֶחָד זֶה בָּשָׂר וְזֶה גְּבִינָה: Although it is prohibited to place meat and cheese on the same table, this applies only if the two diners know each other, even if they are particular not to eat each other's food. By contrast, in the case of two unacquainted guests it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:21; *Shulḥan Arukh*, *Yoreh De'a* 88:2).

BACKGROUND

Shivta – שִׁיבְתָּא: Rashi states that Shivta is an evil spirit that rests upon hands that were not washed in the morning. In the Responsa of the *Ge'onim*, *shivta* is described as an illness generally found among young children. According to the latter explanation, it was an infectious disease that could be transmitted by handling food with unclean hands.

LANGUAGE

Guests [*akhsena'in*] – אַכְסָנָאִין: From the Greek ξένος, *xenos*, meaning a stranger. In the usage of the Sages as well, its basic meaning is a stranger or visitor, particularly a guest at an inn or hotel.

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LANGUAGE

Baitos – בַּיְיתוֹס: Baitos is the Greek name Βοηθός, Boēthos, meaning helper or aide. It may be a translation of the Hebrew name Ezra.

BACKGROUND

Shirt [*ḥaluk*] – חָלוּק: A *ḥaluk* is a garment worn on the upper body whose upper half is divided [*meḥulak*] into two. The opening of the *ḥaluk* was tied together with lacing.



Opening of a *ḥaluk*

גמ׳ וְכִי נוֹגֵעַ זֶה בָּזֶה מַאי הָווּ? צוֹנְנִין בְּצוֹנְנִין הוּא! אֲמַר אַבַּיֵי: נִתְּנִי דִּקְלִיפָּה לָא בָּעֵי, הַדָּחָה מִי לָא בָּעֵי!

GEMARA The mishna teaches that one may bind meat and cheese together in one cloth, provided that they do not come into contact with each other. The Gemara asks: **And if they come into contact with each other, what of it? It is** a case of one **cold** food **in** contact with another **cold** food, and they would not absorb substances from one another. **Abaye said: Granted that** cold foods **do not require** the **peeling** of the place where they came into contact, as they do not absorb substances from one another. Nevertheless, **don't they require rinsing** in water? The Sages therefore decreed against the contact of even cold meat and cheese, lest one come to eat them without rinsing them first.

״רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר שְׁנֵי אַכְסְנָאִין אוֹכְלִין עַל שׁוּלְחָן״ וכו׳. אָמַר רַב חָנָן בַּר אַמִּי, אָמַר שְׁמוּאֵל: לֹא שָׁנוּ – אֶלָּא שֶׁאֵין מַכִּירִין זֶה אֶת זֶה, אֲבָל מַכִּירִין זֶה אֶת זֶה – אָסוּר.

§ The mishna teaches that **Rabban Shimon ben Gamliel says: Two guests may eat** together **on** one **table,** this one eating meat and that one eating cheese. **Rav Ḥanan bar Ami says** that **Shmuel says: They taught** this *halakha* **only** in a case **where** the guests **do not know each other,** as they will not eat of each other's food. **But** in a situation where **they know each other,** it is **prohibited** for them to eat together at the same table.

תַּנְיָא נַמִּי הָכִי, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: שְׁנֵי אַכְסְנָאִים שֶׁנִּתְאָרְחוּ לְפוּנְדָּק אֶחָד, זֶה בָּא מִן הַצָּפוֹן וְזֶה בָּא מִן הַדָּרוֹם, זֶה בָּא בַּחֲתִיכָתוֹ, וְזֶה בָּא בִּגְבִינָתוֹ – אוֹכְלִין עַל שֻׁלְחָן אֶחָד זֶה בָּשָׂר וְזֶה גְּבִינָה, וְאֵין חוֹשְׁשִׁין.

That opinion **is also taught** in a *baraita*: **Rabban Shimon ben Gamliel says:** If **two guests roomed in one inn, this one coming from the north and that one coming from the south, this one coming with his piece** of meat **and that one coming with his cheese, they may eat** together **on one table, this one** eating **meat and that one cheese, and they** need **not be concerned.**

וְלֹא אָסְרוּ אֶלָּא בִּתְפִיסָה אַחַת. תְּפִיסָה אַחַת סָלְקָא דַּעְתָּךְ? אֶלָּא: כְּעֵין תְּפִיסָה אַחַת.

The *baraita* adds: **And** the Sages **prohibited** this practice **only** if they both eat **from one parcel.** The Gemara adds: Can it **enter your mind** that the *baraita* is actually referring to a case where they eat from **one parcel?** This is obviously prohibited. **Rather,** it prohibits eating even in a manner **as though** they were eating from **one parcel,** i.e., when the diners are somewhat acquainted with each other, since neither would mind if the other ate from his food.

אָמַר לֵיהּ רַב יִימָר בַּר שֶׁלֶמְיָא לְאַבַּיֵי: שְׁנֵי אַחִין וּמַקְפִּידִין זֶה עַל זֶה, מַהוּ?

§ It was stated above that if two diners are acquainted with each other they may not eat meat and cheese on the same table. **Rav Yeimar bar Shelemya said to Abaye:** If these diners are **two brothers, but they are** each **particular** not to let **one another** eat of his food, **what is** the *halakha*? May they eat separate dishes of meat and cheese at a single table?

אָמַר לֵיהּ: יֹאמְרוּ כָּל הַסְּרִיקִין אֲסוּרִין וְסְרִיקֵי בַּיְיתוֹס מוּתָּרִין.

Abaye **said to him:** Your question evokes that of Baitos ben Zunin. The Sages prohibited the baking of elaborately decorated Syrian cakes for Passover, lest people tarry in their preparation and the cakes become leavened. Baitos wished to prepare the cakes in a way that would not lead to a violation of any prohibition, and yet the Sages prohibited it, because people **will say: All the** decorated **Syrian cakes are forbidden, but the Syrian cakes of Baitos**[L] **are permitted?** Here too, to avoid confusion, we will not allow exceptions to the rule.

וּלְטַעֲמִיךְ, הָא דַּאֲמַר רַבִּי אַסִי, אָמַר רַבִּי יוֹחָנָן: מִי שֶׁאֵין לוֹ אֶלָּא חָלוּק אֶחָד – מוּתָּר לְכַבְּסוֹ בְּחוּלּוֹ שֶׁל מוֹעֵד, יֹאמְרוּ:

Rav Yeimar responded: **But according to your reasoning,** one may refute **that which Rabbi Asi said** that **Rabbi Yoḥanan said:** Although the Sages prohibited laundering on the intermediate days of a Festival, **one who has only one shirt**[BH] **is permitted to launder it on the intermediate days of a Festival.** Here too, one can claim: People **will say** metaphorically:

HALAKHA

One who has only one shirt – מִי שֶׁאֵין לוֹ אֶלָּא חָלוּק אֶחָד: One who has only one shirt may launder it in an ordinary manner during the intermediate days of a Festival, and he may even use different types of soap and launder it in public. Nevertheless, he may launder only one garment at a time. Some commentaries maintain that this *halakha* permitting laundering in this case applied only in the Talmudic period, when it was clear that the individual had only one shirt, as when he took it off he would have to tie his belt on his outer robe rather than on a shirt. Since today people do not tie their belts on their shirts, one should not be lenient. Nevertheless, in the case of a linen shirt one need not be stringent. One may wash items such as children's clothes or diapers, if they are soiled, in larger quantities (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 7:21; *Shulḥan Arukh, Oraḥ Ḥayyim* 534:1 and *Mishna Berura* there).

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כָּל הַסְּרִיקִין אֲסוּרִין, וּסְרִיקֵי בַּיְיתוֹס מוּתָּרִין! הָתָם, הָא אֲמַר מָר בַּר רַב אַשִׁי: אֵיזוֹרוֹ מוֹכִיחַ עָלָיו.

All the Syrian cakes are prohibited, but the Syrian cakes of Baitos are permitted? The Gemara responds: With regard to the case **there, Mar, son of Rav Ashi, said: His belt is proof for him,** as in those days people commonly had one belt, which was worn over the shirt. If a person had more than one shirt, then whenever he laundered one he would remove the belt and wear it over the second. If one saw a shirt being washed with its belt, he would know that the owner had only one shirt.

מתני׳ טִיפַּת חָלָב שֶׁנָּפְלָה עַל הַחֲתִיכָה, אִם יֵשׁ בָּהּ בְּנוֹתֵן טַעַם בְּאוֹתָהּ חֲתִיכָה – אָסוּר. נִיעֵר אֶת הַקְּדֵרָה, אִם יֵשׁ בָּהּ בְּנוֹתֵן טַעַם בְּאוֹתָהּ קְדֵרָה – אָסוּר.

MISHNA In the case of **a drop of milk that fell on a piece** of meat,[N] **if** the drop **contains** enough milk **to impart flavor to that piece** of meat, i.e., the meat is less than sixty times the size of the drop, the meat is **forbidden.** If **one stirred** the contents of **the pot**[N] and the piece was submerged in the gravy before it absorbed the milk, **if** the drop **contains** enough milk **to impart flavor to** the contents of **that** entire **pot,** the contents of the entire pot are **forbidden.**

גמ׳ אֲמַר אַבַּיֵי: טַעֲמוֹ וְלֹא מַמָּשׁוֹ בְּעָלְמָא – דְּאוֹרַיְיתָא,

GEMARA **Abaye said:** The principle that **the flavor** of a forbidden food renders prohibited the substance in which it is absorbed, **and** it is **not** necessary for there to be **actual** forbidden substance, applies **by Torah law in general,** and not just to the prohibition of meat cooked in milk.

דְּאִי סָלְקָא דַּעְתָּךְ דְּרַבָּנַן, מִבָּשָׂר בְּחָלָב מַאי טַעֲמָא לָא גָּמְרִינַן – דְּחִדּוּשׁ הוּא, אִי חִדּוּשׁ הוּא, אַף עַל גַּב דְּלֵיכָּא נוֹתֵן טַעַם נַמִי!

As, if it enters your mind that the principle applies to other prohibited foods **by rabbinic law,** one can claim: **What is the reason** that **we do not learn** that it applies by Torah law **from** the analogous case of **meat** cooked **in milk?** It must be **because** the prohibition of meat cooked in milk **is a novelty** that is not derived through logical reasoning, as each substance is separately permitted, and they are prohibited only when cooked together. No analogies can be drawn to a novelty. But **if** the prohibition **is a novelty,** then **even if there is not** enough milk to **impart flavor,** the meat and milk should **also** be prohibited. Since the measure of the prohibition follows the standard principles of mixtures, the prohibition itself is apparently not a novelty. One may therefore draw an analogy to other mixtures, inferring that this measure applies to them by Torah law as well.

NOTES

That fell on a piece of meat – שֶׁנָּפְלָה עַל הַחֲתִיכָה: The mishna does not specify the precise location of the piece of meat in the pot. According to some commentaries, the entire piece is outside of the gravy (*Tosafot*). Therefore, only that piece is considered with regard to the nullification of the milk, as the milk affects the other pieces only if one stirs the contents of the pot or covers the pot. The commentaries note that although food that does not contain gravy or fats usually absorbs a forbidden substance only in its outer edge, the heat and vapors of the pot cause the drop to be absorbed by the entire piece (Ran).

Other commentaries, including Rashi, maintain that the piece of meat is partly inside and partly outside of the gravy. The later commentaries dispute whether according to Rashi the other pieces also become forbidden in a case where one did not remove that piece from the pot immediately. Some say that ultimately all the pieces of meat in the pot are rendered forbidden, as the upper part of the piece upon which the milk fell renders the lower part forbidden, and the lower part in turn renders all the other pieces forbidden. This is the *halakha* despite the fact that the gravy in the pot is not taken into account with regard to nullifying the drop of milk (*Taz*). Others claim that whichever way you look at it, the other pieces of meat in the pot should be permitted: If the taste of the milk spreads throughout the pot then it is nullified by all the meat, which is at least sixty times the size of the drop. If it does not spread throughout the pot then there is no reason to render the other pieces forbidden, unless one stirred or covered the pot, which is considered like a fresh act of cooking that renders all the pieces prohibited (*Derisha*).

If one stirred the pot – נִיעֵר אֶת הַקְּדֵרָה: The commentaries explain that this stirring is performed immediately, before the piece absorbs the taste of the milk. Consequently, the drop of milk becomes mixed with the entire contents of the pot (Rashi). Some infer from here that it takes a minimum time for a forbidden substance to be absorbed, and therefore if one removed the substance within that period the permitted item upon which it fell is not rendered forbidden (*Pitḥei Teshuva*, citing *Ḥamudei Daniel*; see Radbaz). Others disagree and suggest that this minimum time is necessary with regard to the principle of: The piece itself becomes non-kosher meat in its own right, described in the Gemara, but the forbidden substance is nevertheless absorbed immediately within the piece of meat. Even if one removed the substance immediately, the item upon which it fell is still forbidden (*Peri Megadim*, *Peri Toar*).

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אָמַר לֵיהּ רָבָא: דֶּרֶךְ בִּשּׁוּל אָסְרָה תּוֹרָה.

Rava said to Abaye: This is not a valid proof. The prohibition of meat cooked in milk is in fact a novelty and differs from other prohibited mixtures. Nevertheless, its measure is the imparting of flavor only because the action **the Torah prohibited** is in **the manner of cooking,** and cooking involves the imparting of flavor.

אָמַר רַב: כֵּיוָן שֶׁנָּתַן טַעַם בַּחֲתִיכָה – חֲתִיכָה עַצְמָהּ נַעֲשֵׂית נְבֵלָה, וְאוֹסֶרֶת כָּל הַחֲתִיכוֹת כּוּלָּן, מִפְּנֵי שֶׁהֵן מִינָהּ.

§ The mishna teaches that if the piece of meat acquires the flavor of milk, it is forbidden. **Rav says: Once** the milk **imparts flavor to the piece** of meat, the **piece itself becomes non-kosher** meat in its own right. **And** therefore, if one did not immediately remove the piece from the pot, **it renders all the pieces** of meat in the pot **forbidden,** even if they are together more than sixty times the size of that forbidden piece. This is **because they are** the same **type** as the forbidden piece, and as a rule, a substance in contact with the same type of substance cannot be nullified.

אָמַר לֵיהּ מָר זוּטְרָא בְּרֵיהּ דְּרַב מָרִי לָרָבִינָא: מִכְּדֵי רַב כְּמַאן אָמַר לִשְׁמַעֲתֵיהּ – כְּרַבִּי יְהוּדָה, דַּאֲמַר: מִין בְּמִינוֹ לָא בָּטֵיל, לֵימָא פְּלִיגָא אַדְּרָבָא,

Mar Zutra, son of Rav Mari, said to Ravina: Now consider, **in accordance with whose** opinion did **Rav say his *halakha*?** It is **in accordance with** the opinion of **Rabbi Yehuda, who said** that **a type** of food mixed with food **of** its **own type is not nullified.** If so, **shall we say** that Rav **disagrees with Rava's** interpretation of Rabbi Yehuda's opinion?

דַּאֲמַר רָבָא: קָסָבַר רַבִּי יְהוּדָה, כָּל שֶׁהוּא מִין וּמִינוֹ וְדָבָר אַחֵר – סַלֵּק אֶת מִינוֹ כְּמִי שֶׁאֵינוֹ, וְשֶׁאֵינוֹ מִינוֹ רַבֶּה עָלָיו וּמְבַטְּלוֹ!

As Rava said: Rabbi Yehuda holds with regard to **any** tripartite mixture **consisting of** a forbidden **type** of food, a permitted food of **the same type, and another** food **item** that is permitted, one **disregards** the permitted food that is its **own type as though it were not there, and** if the permitted food **that is not** of **its own type is more than** the forbidden food, the permitted food **nullifies** the forbidden food. In the case Rav describes, although the other pieces of meat are of the same type as the piece that has become forbidden, the gravy in the pot is not of the same type, and it should nullify the forbidden piece. Since Rav does not mention this principle, he apparently disagrees with it.

אָמַר לֵיהּ: אִי דִּנְפַל בְּרוֹטָב רַכָּה – הָכִי נַמִּי, הָכָא בְּמַאי עָסְקִינַן – דִּנְפַל בְּרוֹטָב עָבֶה.

Ravina **said to him: If** the forbidden substance **fell into thin gravy,** Rav would concede that the gravy would **indeed** nullify the piece of meat, since the two substances are of different types. **But here we are dealing with** a case **where it fell into thick gravy,** which is composed of meat residue. Since the gravy is of the same substance as the meat, the forbidden piece is not nullified.

וּמַאי קָסָבַר, אִי קָסָבַר: אֶפְשָׁר לְסוֹחֲטוֹ מוּתָּר – חֲתִיכָה אַמַּאי נַעֲשֵׂית נְבֵלָה? אֶלָּא קָסָבַר: אֶפְשָׁר לְסוֹחֲטוֹ אָסוּר.

The Gemara returns to Rav's statement that the piece of meat upon which the milk fell is considered a non-kosher item in its own right. **And what does** Rav **maintain** in this regard? **If he maintains** that an item **that can be wrung** to remove the forbidden substance it contains becomes **permitted** again after wringing, then it follows that only the absorbed substance is truly forbidden. If so, **why** should this **piece** of meat itself **become non-kosher?** Once it has been mixed into the stew, the milk it has absorbed should be evenly distributed throughout the pot and be nullified. **Rather,** Rav must **maintain** that even an item **that can be wrung** to remove the forbidden substance is **forbidden.**

דְּאִיתְּמַר, רַב וְרַבִּי חֲנִינָא וְרַבִּי יוֹחָנָן דְּאָמְרִי: אֶפְשָׁר לְסוֹחֲטוֹ – אָסוּר, שְׁמוּאֵל וְרַבִּי שִׁמְעוֹן בַּר רַבִּי וְרֵישׁ לָקִישׁ דְּאָמְרִי: אֶפְשָׁר לְסוֹחֲטוֹ – מוּתָּר.

The Gemara elaborates: **As it was stated: Rav and Rabbi Ḥanina and Rabbi Yoḥanan say** that even an item **that can be wrung** to remove the forbidden substance is **forbidden,** whereas **Shmuel, and Rabbi Shimon, son of Rabbi** Yehuda HaNasi, **and Reish Lakish say:** An item **that can be wrung** to remove the forbidden substance is **permitted.**

וְקָסָבַר רַב אֶפְשָׁר לְסוֹחֲטוֹ – אָסוּר? וְהָאִיתְּמַר, כַּזַּיִת בָּשָׂר שֶׁנָּפַל לְתוֹךְ יוֹרָה שֶׁל חָלָב, אָמַר רַב: בָּשָׂר – אָסוּר, וְחָלָב – מוּתָּר. וְאִי סָלְקָא דַּעְתָּךְ אֶפְשָׁר לְסוֹחֲטוֹ אָסוּר,

The Gemara asks: **And does Rav** really **maintain** that an item **that can be wrung** to remove the forbidden substance is **forbidden? But wasn't it stated:** If **an olive-bulk of meat fell into a pot of milk** so large that the meat did not impart flavor to it, **Rav says:** The **meat is forbidden,** as it absorbed the taste of the milk, **but** the **milk is permitted,** since it did not absorb the taste of the meat. **But if it enters your mind** that according to Rav an item **that can be wrung is forbidden,**

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חָלָב אַמַּאי מוּתָּר? חָלָב נְבֵלָה הוּא!

why is the **milk permitted?** All the milk that the meat absorbed **is** rendered **non-kosher milk** in and of itself. When it seeps back out of the meat, it cannot be nullified by the rest of the milk, which is the same substance, as Rav holds in accordance with Rabbi Yehuda that a type of food mixed with food of its own type is not nullified. Therefore, the whole pot of milk should be prohibited.

לְעוֹלָם קָסָבַר רַב אֶפְשָׁר לְסוֹחֲטוֹ – אָסוּר, וְשָׁאנֵי הָתָם דַּאֲמַר קְרָא: ״לֹא תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ״ – גְּדִי אָסְרָה תּוֹרָה, וְלֹא חָלָב.

The Gemara answers: **Rav actually maintains** that an item **that can be wrung** to remove the forbidden substance is **prohibited, and there,** the pot of milk mentioned above **is different, as the verse states: "You shall not cook a kid in its mother's milk"** (Deuteronomy 14:21). The verse teaches that **the Torah prohibits** only the **kid,** i.e., the meat, that was cooked in milk, **but not** the **milk** that was cooked in meat. The milk is not itself rendered non-kosher.

וְסָבַר רַב גְּדִי אָסְרָה תּוֹרָה וְלֹא חָלָב? וְהָא אִיתְּמַר, חֲצִי זַיִת בָּשָׂר וַחֲצִי זַיִת חָלָב שֶׁבִּשְּׁלָן זֶה עִם זֶה, אָמַר רַב: לוֹקֶה עַל אֲכִילָתוֹ, וְאֵינוֹ לוֹקֶה עַל בִּשּׁוּלוֹ. וְאִי סָלְקָא דַּעְתָּךְ גְּדִי אָסְרָה תּוֹרָה וְלֹא חָלָב, אַאֲכִילָה אַמַּאי לוֹקֶה? חֲצִי שִׁיעוּר הוּא!

The Gemara challenges: **And does Rav** really **maintain** that **the Torah prohibits** only the **kid but not** the **milk** cooked with it? **But isn't it stated:** If **half an olive-bulk of meat and half an olive-bulk of milk were cooked together, Rav says:** One **is flogged for consuming** the combined olive-bulk, as he has eaten a whole olive-bulk of forbidden food. **But he is not flogged for cooking** the two half olive-bulks, as he did not cook items of the minimum size. **And if** it should **enter your mind** that Rav holds that **the Torah prohibits** only the **kid but not** the **milk, why is** this individual **flogged for consuming** only half an olive-bulk of meat? **It is** only **half** the prohibited **measure.**

אֶלָּא, לְעוֹלָם קָסָבַר רַב: חָלָב נַמִי אָסוּר, וְהָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁנָּפַל לְתוֹךְ יוֹרָה רוֹתַחַת, דִּמְבַלַּע בָּלַע, מִפְלַט לָא פָּלַט.

Rather, Rav actually maintains that **milk** cooked in meat **is also prohibited, and** the reason Rav permits the pot of milk mentioned above is that **here we are dealing with** a case **where** the olive-bulk of meat **fell into a boiling pot** of milk. In such a case the meat **absorbs** milk, but **it does not expel** it, and therefore the prohibited milk does not mix with the rest.

סוֹף סוֹף כִּי נָיֵח הֲדַר פָּלֵיט! כְּשֶׁקִּדֵּם וְסִילְּקוֹ.

The Gemara challenges: **Ultimately, when** the pot **cools** from boiling, the meat **then expels** the prohibited milk. The Gemara answers: It is referring to a case **where he first removed** the meat[H] before the pot cooled.

גּוּפָא, חֲצִי זַיִת בָּשָׂר וַחֲצִי זַיִת חָלָב שֶׁבִּשְּׁלָן זֶה עִם זֶה, אָמַר רַב: לוֹקֶה עַל אֲכִילָתוֹ, וְאֵינוֹ לוֹקֶה עַל בִּשּׁוּלוֹ. מַה נַּפְשָׁךְ, אִי מִצְטָרְפִין – אַבִּשּׁוּל נַמִי לִילְקֵי! אִי לָא מִצְטָרְפִין – אַאֲכִילָה נַמִי לָא לִילְקֵי!

The Gemara turns to **the** matter **itself** mentioned above: If **half an olive-bulk of meat and half an olive-bulk of milk were cooked together, Rav says:** One **is flogged for consuming** the mixture, **but he is not flogged for cooking it.** The Gemara objects: **Whichever way you** look at it, this ruling is problematic. **If** these two halves of olive-bulks **combine** to form the requisite measure, then **let him be flogged for cooking** them **as well.** And **if they do not combine,** then **let him not be flogged for** their **consumption either.**

לְעוֹלָם לָא מִצְטָרְפִי, וּבְבָא מִיּוֹרָה גְּדוֹלָה.

The Gemara answers: **Actually,** half an olive-bulk of meat and half an olive-bulk of milk **do not combine** to form the requisite measure, **and** when Rav says that one is flogged for consuming them, he is referring **to** a case where they **come from a large pot,** in which a sizable amount of meat and cheese had been cooked. The mixture is now considered a single prohibited entity, such that half an olive-bulk of the cheese and the meat can combine to constitute the requisite measure to be held liable for consumption.

וְלֵוִי אָמַר: אַף לוֹקֶה עַל בִּשּׁוּלוֹ. וְכֵן תָּנֵי לֵוִי בְּמַתְנִיתִין: כְּשֵׁם שֶׁלּוֹקֶה עַל אֲכִילָתוֹ, כָּךְ לוֹקֶה עַל בִּשּׁוּלוֹ. וּבְאֵי זֶה בִּשּׁוּל אָמְרוּ – בְּבִשּׁוּל שֶׁאַחֵרִים אוֹכְלִין אוֹתוֹ מֵחֲמַת בִּשּׁוּלוֹ.

And Levi disagrees with Rav on this matter, and **says:** Half an olive-bulk of meat and half an olive-bulk of milk can combine to form the requisite measure, and therefore one **is also flogged for cooking** the mixture. **And so Levi teaches in** his collection of ***baraitot*: Just as one is flogged for consuming it, so too he is flogged for cooking it. And for what** degree of **cooking did they say** that one is liable to be flogged? It is **for** a degree of **cooking** that produces food **that others,** gentiles, would **eat due to its cooking,** i.e., cooking that renders it fit for consumption.

HALAKHA

Where he first removed the meat – כְּשֶׁקִּדֵּם וְסִילְּקוֹ: If an olive-bulk of meat fell into a pot of milk, the contents are given to a gentile to taste. If he says that the milk has the flavor of meat, it is prohibited. If he says it does not, it is permitted even if there is less than sixty times the ratio of milk to meat. Either way, the piece of meat is prohibited. This is the *halakha* only if one removed the piece of meat from the pot before it could expel the milk it absorbed, which occurs before the pot cools from its boiling. But if one was unable to remove the piece of meat before it could expel the milk, the contents of the pot are forbidden even if a gentile says it does not have the flavor of meat, unless there is sixty times more milk than meat. The Rema maintains that the accepted practice is not to rely on a gentile to taste the milk, but to require sixty times more milk than meat in all such cases (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:8; *Shulḥan Arukh*, *Yoreh De'a* 92:1, and in the comment of Rema here and in 98:1).

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וְאֶפְשָׁר לְסוֹחֲטוֹ עַצְמוֹ תַּנָּאֵי הִיא, דְּתַנְיָא: טִפַּת חָלָב שֶׁנָּפְלָה עַל הַחֲתִיכָה, כֵּיוָן שֶׁנִּתְּנָה טַעַם בַּחֲתִיכָה – הַחֲתִיכָה עַצְמָהּ נַעֲשֵׂית נְבֵלָה, וְאוֹסֶרֶת כָּל הַחֲתִיכוֹת כּוּלָּן מִפְּנֵי שֶׁהֵן מִינָהּ, דִּבְרֵי רַבִּי יְהוּדָה.

§ The Gemara returns to the issue previously discussed: **And** the case of an item **that can be wrung** to remove an absorbed prohibited substance **is itself** the subject of a dispute between ***tanna'im*, as it is taught** in a *baraita*: If **a drop of milk fell onto a piece** of meat,[H] **once it imparts flavor to the piece, the piece itself is rendered non-kosher** in its own right. **And** it therefore **renders all the** other **pieces** of meat in the pot **prohibited,** even if they combine to more than sixty times its size; this is **because they are** of **the same type,** and a type of food mixed with food of its own type is not nullified. This is **the statement of Rabbi Yehuda.**

וַחֲכָמִים אוֹמְרִים: עַד שֶׁתִּתֵּן טַעַם בָּרוֹטֶב וּבַקִּיפָּה וּבַחֲתִיכוֹת,

And the Rabbis say that even the original piece of meat is not prohibited **unless** there is enough milk to **impart flavor** even **to the gravy and to the spices and to the** other **pieces** of meat in the pot, since the milk is assumed to diffuse from the first piece until it is evenly distributed throughout the pot.

אָמַר רַבִּי: נִרְאִין דִּבְרֵי רַבִּי יְהוּדָה – בְּשֶׁלֹּא נִיעֵר וְשֶׁלֹּא כִּסָּה, וְדִבְרֵי חֲכָמִים – בְּשֶׁנִּיעֵר וְכִסָּה.

With regard to this dispute, **Rabbi** Yehuda HaNasi **said: The statement of Rabbi Yehuda appears** to be correct in a case **where one did not stir** the contents of the pot **and where he did not cover** it,[N] both of which would promote the diffusion of the milk throughout the pot. **And the statement of the Rabbis** appears to be correct in a case **where one stirred** the contents of the pot **and covered** it.

מַאי ״לֹא נִיעֵר וְלֹא כִּסָּה״? אִילֵימָא לֹא נִיעֵר כְּלָל, וְלֹא כִּסָּה כְּלָל, מִבְלַע בָּלַע מִפְלַט לָא פָּלַט!

The Gemara asks: **What** is the meaning of the clause: Where **one did not stir** the pot **and did not cover** it? **If we say** that he **did not stir** the contents of the pot **at all and did not cover** it **at all,** in this case the piece of meat onto which the milk fell **absorbs** the drop of milk but **does not expel** it.[N] Therefore, even according to the opinion of Rabbi Yehuda there is no reason to prohibit the other pieces of meat.

וְאֶלָּא, לֹא נִיעֵר – בַּתְּחִלָּה אֶלָּא בַּסּוֹף, וְלֹא כִּסָּה – בַּתְּחִלָּה אֶלָּא בַּסּוֹף, אַמַּאי, הָא בָּלַע וְהָא פָּלַט!

And if you say **rather** that **he did not not stir** the contents of the pot **at the beginning,** immediately after the milk fell in, **but** stirred **at the end,** afterward, **and** likewise **he did not cover** the pot **at the beginning but at the end,** one must ask: **Why** are all the pieces in the pot prohibited? The same milk that the piece **absorbs** it subsequently **expels,** and once the milk diffuses throughout the pot it should be nullified.

קָסָבַר: אֶפְשָׁר לְסוֹחֲטוֹ – אָסוּר.

The Gemara responds: Evidently, Rabbi Yehuda HaNasi **maintains** that an item **that can be wrung** remains **prohibited.** Once the first piece of meat absorbs the milk, it is considered non-kosher in its own right, and even after the milk itself is nullified, the flavor of the forbidden meat renders the rest of the pieces prohibited. The flavor of the meat cannot be nullified by the other meat in the pot, since a substance in contact with the same type of substance is not nullified, according to the opinion of Rabbi Yehuda.

HALAKHA

If a drop of milk fell onto a piece of meat – טִפַּת חָלָב שֶׁנָּפְלָה עַל הַחֲתִיכָה: If a drop of milk fell into a pot of meat, the piece of meat onto which the drop fell is given to a gentile cook to taste. If it does not have the flavor of milk, it is all permitted, and if it does have the flavor of milk then that piece of meat is prohibited. Some authorities rule that one may not rely on the opinion of a gentile cook, while others say that his claim is accepted only if he speaks offhandedly, i.e., if he is not asked by Jews about the status of the meat (see Rema on *Shulḥan Arukh*, *Yoreh De'a* 98:1, and *Shakh* there). According to the opinion that one cannot accept the opinion of the gentile cook, it is permitted if there is sixty times more meat than milk in the piece; otherwise, the piece of meat is prohibited.

With regard to the rest of the pot, if all the other substances, including other pieces of meat, vegetables, gravy, and spices total sixty times the size of the forbidden piece, then it alone remains prohibited, while the rest of the contents of the pot are permitted. This ruling is in accordance with the opinion of Rav, who maintains that if the milk imparts flavor to the piece of meat, that piece is itself considered non-kosher and renders the other pieces prohibited, as they are of the same type. This ruling is also in accordance with the opinion of Rabbi Yoḥanan that even an item that can be wrung to remove the forbidden substance is prohibited.

These rulings apply only if one did not stir the contents of the pot as soon as the milk fell in but rather stirred it afterward, and he also did not cover the pot, in accordance with the opinion of Rabbi Yehuda, as Rabbi Yehuda HaNasi rules in accordance with his opinion with regard to this point. But if one stirred continuously the entire time, or covered the pot the entire time from the moment the milk fell in, the entire contents of the pot combine to nullify the milk. This ruling is in accordance with the opinion of the Rabbis, as Rabbi Yehuda HaNasi rules in accordance with their opinion with regard to this point. The Rema writes that even in a case where one did not stir at all, and did not cover the pot at all, if the contents of the pot are sixty times more than the amount of milk that fell in, only the piece on which the milk fell is prohibited, while the rest of the contents of the pot remain permitted. If one stirred the pot or covered it immediately, even if one did not stir or cover the pot again afterward, all the contents of the pot still combine to nullify the milk.

If the milk fell into soup or onto several pieces of meat, and it is unknown onto which piece it fell, one stirs the entire contents of the pot until the milk is mixed with all of it. If at this stage the taste of milk is not discernible in the contents of the pot, the contents of the pot are all permitted. If no gentile cook is available to taste the contents, one estimates whether the contents of the pot are sixty times greater than the milk. The Rema writes that some authorities disagree and maintain that stirring the pot is of no effect unless one stirs immediately after the forbidden substance fell inside, and this is the accepted practice (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:8, 10; *Shulḥan Arukh*, *Yoreh De'a* 92:2).

NOTES

Where one did not stir and where he did not cover it – בְּשֶׁלֹּא נִיעֵר וְשֶׁלֹּא כִּסָּה: The commentaries explain that covering is considered equivalent to stirring because it prevents the vapors from leaving the pot, causing the flavor to spread throughout it (Responsa of the Rivash).

Absorbs it but does not expel it – מִבְלַע בָּלַע מִפְלַט לָא פָּלַט: The meaning of this statement is unclear. Some early commentaries explain that the piece of meat that absorbed milk can render the other pieces prohibited only if the flavor of the milk reaches them as well. Therefore, although the piece of meat is rendered non-kosher and its own flavor diffuses throughout the pot, since the flavor of the milk itself does not spread throughout the pot in this case, the other pieces are not prohibited (Ran, citing *Tosafot*). Other commentaries hold that once the first piece of meat is rendered non-kosher, its flavor must be capable of rendering the other pieces prohibited unaided. They therefore explain that the statement here, that the piece absorbs milk but does not expel it, applies only according to the opinion that an item that can be wrung to remove the forbidden substance is permitted, i.e., that the meat alone is not considered a forbidden item that can render the other pieces prohibited, and that the flavor of the milk does not diffuse if one does not stir the pot or cover it. The *halakha* is in accordance with the opinion that even an item that can be wrung is prohibited. Therefore, the piece of meat is itself considered a forbidden item, which imparts flavor and renders the other pieces of meat in the pot prohibited even without covering or stirring the pot (Ran; Ramban; Ra'avad).

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מִכְּלָל דְּרַבִּי יְהוּדָה סָבַר: כִּי נִיעֵר מִתְּחִלָּה וְעַד סוֹף וְכָפָה מִתְּחִלָּה וְעַד סוֹף – אָסוּר. אַמַּאי, הָא לָא בָּלַע כְּלָל?

The Gemara objects: From Rabbi Yehuda HaNasi's acceptance of Rabbi Yehuda's opinion only when one did not stir or cover the pot, one can conclude **by inference that Rabbi Yehuda** himself **maintains** that even **when one stirred** the contents of the pot continuously **from beginning to end,** i.e., before and after the drop of milk was absorbed, **or covered** the pot continuously **from beginning to end,** all the contents of the pot are **prohibited.** But **why** should this be so? The first piece of meat **did not absorb any** more milk than the others. Since the milk definitely diffused evenly through the pot immediately, it should be nullified, assuming that the pot's contents amount to more than sixty times the milk.

אֵימָא ״לֹא נִיעֵר יָפֶה יָפֶה, וְלֹא כִּסָּה יָפֶה יָפֶה״.

The Gemara responds: **Say** that Rabbi Yehuda is stringent because one might **not** have **stirred thoroughly, or** he might **not** have **covered** the pot **thoroughly,** and therefore initially the milk might have been absorbed only by the first piece, rendering it prohibited. Afterward, when he does stir thoroughly, that piece of meat renders the other pieces prohibited. Rabbi Yehuda HaNasi does not share this concern.

אָמַר מָר: ״וְדִבְרֵי חֲכָמִים בְּשֶׁנִּיעֵר וְכִסָּה״, מַאי ״נִיעֵר״ וּמַאי ״כִּסָּה״? אִילֵימָא נִיעֵר בַּסּוֹף וְלֹא נִיעֵר בַּתְּחִלָּה, וְכִסָּה בַּסּוֹף וְלֹא כִּסָּה בַּתְּחִלָּה – הָאֲמַרְתְּ ״נִרְאִין דִּבְרֵי רַבִּי יְהוּדָה בְּהָא״? אֶלָּא, נִיעֵר – מִתְּחִלָּה וְעַד סוֹף, וְכִסָּה – מִתְּחִלָּה וְעַד סוֹף.

§ The Gemara returns to Rabbi Yehuda HaNasi's statement: **The Master said** above: **And the statement of the Rabbis** appears correct in a case **where one stirred** the pot **and covered** it. The Gemara asks: **What** is the meaning of the term: **Stirred, and what** is the meaning of the term: **Covered? If we say** that he **stirred at the end,** after the first piece absorbed the milk, **and did not stir at the beginning,** beforehand, **and** likewise he **covered at the end and did not cover at the beginning,** one may respond: **Didn't you** already **say** on the previous *amud* that **the statement of Rabbi Yehuda appears** to be correct **in this** case? **Rather,** it must be a case where he **stirred** continuously **from beginning to end or covered** the pot continuously **from beginning to end.**

מִכְּלָל דְּרַבָּנַן סָבְרִי: נִיעֵר בַּסּוֹף וְלֹא נִיעֵר בַּתְּחִלָּה, כִּסָּה בַּסּוֹף וְלֹא כִּסָּה בַּתְּחִלָּה – מוּתָּר.

If so, one can conclude **by inference** from Rabbi Yehuda HaNasi's qualified acceptance of the Rabbis' opinion **that the Rabbis** themselves **maintain** that even when one **stirred** only **at the end and did not stir at the beginning,** and similarly if he **covered** the pot only **at the end and did not cover at the beginning,** all the contents of the pot are **permitted.** Even the first piece is permitted, as they hold that the milk it absorbed diffused out of it and throughout the pot.

אַלְמָא קָסָבְרִי – אֶפְשָׁר לְסוֹחֲטוֹ – מוּתָּר.

Evidently, the Rabbis **maintain** that an item **that can be wrung** to remove the forbidden substance is **permitted.** This illustrates that *tanna'im* dispute this issue, as according to Rabbi Yehuda and Rabbi Yehuda HaNasi, an item that can be wrung to remove the forbidden substance is prohibited.

אָמַר לֵיהּ רַב אַחָא מִדִּיפְתִּי לְרָבִינָא: מַאַי דִּבְאֶפְשָׁר לְסוֹחֲטוֹ פְּלִיגִי, דִּלְמָא, אֶפְשָׁר לְסוֹחֲטוֹ – דִּבְרֵי הַכֹּל אָסוּר. וְהָכָא בְּמִין בְּמִינוֹ קָא מִיפַּלְגִי, וְרַבִּי יְהוּדָה לְטַעֲמֵיהּ דַּאֲמַר מִין בְּמִינוֹ לָא בָּטֵיל, וְרַבָּנַן לְטַעֲמַיְיהוּ דְּאָמְרִי מִין בְּמִינוֹ בָּטֵיל!

Rav Aḥa of Difti said to Ravina: From where is it derived **that** Rabbi Yehuda and the Rabbis **disagree with regard to** an item **that can be wrung? Perhaps** even if an item **can be wrung, everyone agrees** that it remains **prohibited, and here they disagree with regard to** whether **a type** of food mixed **with** food of **its** own **type** can be nullified. **And Rabbi Yehuda** conforms **to his** standard line of **reasoning, as he said** that **a type** of food mixed **with** food of **its** own **type cannot be nullified. And** likewise, **the Rabbis** conform **to their** standard line of **reasoning, as they said** that **a type** of food mixed **with** food of **its** own **type can be nullified.** This is why they maintain that all the meat in the pot is permitted.

הַאי מַאי? אִי אָמְרַתְּ בִּשְׁלָמָא דְּרַבָּנַן בְּמִין בְּמִינוֹ הָכָא כְּרַבִּי יְהוּדָה סְבִירָא לְהוּ וּבְאֶפְשָׁר לְסוֹחֲטוֹ פְּלִיגִי – הַיְינוּ דְּקָאָמַר רַבִּי ״נִרְאִין דִּבְרֵי רַבִּי יְהוּדָה בְּהָא וְדִבְרֵי חֲכָמִים בְּהָא״.

Ravina responded: **What is this** reasoning? **Granted, if you say that the Rabbis here hold in accordance with** the opinion of **Rabbi Yehuda with regard to** the issue of **a type** of food mixed **with** food of **its** own **type, and they disagree with regard to** an item **that can be wrung, that is** why **Rabbi** Yehuda HaNasi **says: The statement of Rabbi Yehuda appears** to be correct **in this** case, when one did not initially stir or cover the pot, **and the statement of the Rabbis** appears to be correct **in that** case, when one did initially stir or cover it, since the issue of when one stirred or covered the pot is relevant to the dispute, as explained above.

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BACKGROUND

The blood of the heart – דַּם הַלֵּב: The heart acts as a pump, sending blood rich in oxygen through the arteries from the lungs and around the body, and returning blood from the body to the lungs through the veins. The blood found inside the heart can consequently be termed blood that enters from outside. At the same time, the heart itself requires a steady supply of blood, like any other limb. This blood is located in the heart's system of blood vessels, the coronary circulation, which are in the muscles of the heart. Such blood is called: Its blood.

אֶלָּא אִי אָמְרַתְּ אֶפְשָׁר לְסוֹחֲטוֹ דִּבְרֵי הַכֹּל אָסוּר, וְהָכָא בִּמִּינוֹ קָמִיפַּלְגִי, הַאי ״נִרְאִין דִּבְרֵי רַבִּי יְהוּדָה וְאֵין נִרְאִין״ מִבָּעֵי לֵיהּ, וְתוּ לָא מִידִי.

But if you say: Everyone agrees that an item **that can be wrung is prohibited, and here they disagree** only **with regard to a type** of food mixed **with** food of **its** own **type,** Rabbi Yehuda HaNasi should not phrase his statement as a qualified acceptance of both opinions, which seems arbitrary. Rather, **he should have** said **this:** I accept that a type of food is not nullified by a food of its own type. Therefore, **the statement of Rabbi Yehuda appears** correct where one did not stir initially, as the flavor of the prohibited first piece cannot be nullified; **but** it **does not appear** correct where one stirred immediately, since in that case, even the first piece is not prohibited, and I do not share Rabbi Yehuda's concern that perhaps one did not stir thoroughly. **And nothing more** need be said.

מתני׳ הַכּוֹחֵל – קוֹרְעוֹ וּמוֹצִיא אֶת חֶלְבּוֹ, לֹא קָרָעוֹ – אֵינוֹ עוֹבֵר עָלָיו. הַלֵּב – קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ, לֹא קָרָעוֹ – אֵינוֹ עוֹבֵר עָלָיו.

MISHNA One who wants to eat **the udder** of a slaughtered animal **tears it**[H] **and removes its milk,** and only then is it permitted to cook it. If **he did not tear** the udder[H] before cooking it, **he does not violate** the prohibition against cooking and eating meat and milk and does not receive lashes **for it,** as the halakhic status of the milk in the udder is not that of milk. One who wants to eat **the heart** of a slaughtered animal **tears it**[H] **and removes its blood,**[BN] and only then may he cook and eat it. If **he did not tear** the heart[H] before cooking and eating it, **he does not violate** the prohibition against consuming blood and is not liable to receive *karet* **for it.**

HALAKHA

One who wants to eat the udder of a slaughtered animal tears it, etc. – הַכּוֹחֵל קוֹרְעוֹ וכו׳: The udder of an animal that still contains milk is prohibited by rabbinic law. But if one tears the udder and removed its milk, it is permitted to roast and eat it. If one tears it lengthwise and widthwise and smears it against a wall until no trace of milk remains, one may cook it with meat. Nevertheless, the custom is not to cook it with meat. If one did cook it with meat, it is permitted after the fact if it had been torn, if being stringent will result in a significant financial loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:12; *Shulḥan Arukh*, *Yoreh De'a* 90:1, and see the comment of Rema).

If he did not tear the udder, etc. – לֹא קָרָעוֹ וכו׳: If one did not tear the udder it is prohibited to cook it, whether it was the udder of a young animal that never nursed offspring or that of an adult. If one did cook it by itself without tearing it, it is permitted to eat it, and is all the more so permitted if he roasted it. The Rema holds that it is forbidden if it was cooked without tearing (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:12; *Shulḥan Arukh*, *Yoreh De'a* 90:1, and see the comment of Rema).

One who wants to eat the heart tears it, etc. – הַלֵּב קוֹרְעוֹ וכו׳: Since blood collects in the heart at the time of slaughter, one must tear the heart and remove that blood before salting the heart. After removing the blood and salting the heart, one may cook it. Some commentaries rule that even after these procedures one should be stringent and roast the heart rather than cook it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:6; *Shulḥan Arukh*, *Yoreh De'a* 72:1).

If he did not tear the heart, etc. – לֹא קָרָעוֹ וכו׳: If one salted a heart without first tearing it, he should tear it after salting and it is then permitted, despite the fact that it was salted with the blood inside. This ruling is in accordance with the principle: As it absorbs it so it emits it, i.e., the same process that causes the blood to be absorbed in the meat suffices to discharge it as well. The same *halakha* applies if one roasted the heart without first tearing it: One tears it afterward and it is permitted. But if one cooked it without first tearing it, it is prohibited unless there is sixty times more of the other ingredients than the heart, as it is not known how much blood was emitted from it into the dish.

Some authorities maintain that even if the volume of the other ingredients is sixty times more than that of the heart, the heart itself is prohibited, and one should scrape a layer of the other contents of the pot around the heart (Rema). Yet others are stringent even with regard to salting and prohibit the rest of the meat that was salted with the heart, as they maintain that one does not apply the principle: As it absorbs it so it emits it, with regard to blood collected in the heart, as this blood is not emitted. The accepted practice is to be lenient in this regard. Some maintain that one should scrape a layer from the spot where the heart was touching the other meat, and it is proper to do so. There is no difference between the flesh with the heart and the heart itself, and it does not matter whether the heart is closed or open above. There is a custom to cut the sealed part of the heart and the sinews inside *ab initio*, but this is a mere stringency and an overly cautious practice (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:6; *Shulḥan Arukh*, *Yoreh De'a* 72:2).

NOTES

One who wants to eat the heart of a slaughtered animal tears it and removes its blood – הַלֵּב קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ: It is explained in tractate *Karetot* that the heart contains two types of blood: The first type is blood that is absorbed in the flesh of the heart itself. This blood is similar to blood in any other limb and is called: The blood of the limbs, or: Its own blood. The second type is blood that collects in the chambers of the heart, which is called: Blood that enters it from outside. The tearing of the heart is designed to remove the second type, i.e., the blood that collects in the chambers of the heart, which is not expelled by salting (Meiri). Conversely, the first type, the blood absorbed in the flesh of the heart, is removed only by salting, not through tearing.

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גמ׳ אָמַר רַבִּי זֵירָא, אָמַר רַב: אֵינוֹ עוֹבֵר עָלָיו, וּמוּתָּר. וְהָא אֲנַן תְּנַן ״אֵינוֹ עוֹבֵר עָלָיו״ – מִיעֲבַר הוּא דְּלָא עֲבַר, הָא אִיסּוּרָא אִיכָּא!

GEMARA The mishna teaches that if one did not tear the udder of a slaughtered animal before cooking it he does not violate the biblical prohibition against eating meat and milk. **Rabbi Zeira says** that **Rav says: He does not violate** the prohibition, **and** it is altogether **permitted** to eat the cooked product *ab initio*. The Gemara objects: **But didn't we learn** in the mishna: **He does not violate** the prohibition, i.e., he is not held liable after the fact. One can infer from here as follows: **He does not violate** a prohibition by Torah law, **but there is** nevertheless **a prohibition** *ab initio* by rabbinic law.

בְּדִין הוּא דְּאִיסּוּרָא נַמִּי לֵיכָּא, וְאַיְידֵי דְּבָעָא לְמִיתְנָא סֵיפָא ״הַלֵּב קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ, לֹא קָרָעוֹ אֵינוֹ עוֹבֵר עָלָיו״, הָתָם – מִיעֲבַר הוּא דְּלָא עֲבַר, הָא אִיסּוּרָא אִיכָּא, תְּנָא נַמִּי רֵישָׁא ״אֵינוֹ עוֹבֵר עָלָיו״.

The Gemara explains: **By right** the mishna **should have** taught **that there is no prohibition** here by rabbinic law **either. But** the *tanna* of the mishna uses this language **since he wants to teach in the latter clause:** One who wants to eat **the heart** of a slaughtered animal **tears it and removes its blood,** but if **he did not tear** the heart before cooking and eating it, **he does not violate** the prohibition. **There** it is true that although **he does not violate** a prohibition by Torah law **there is a prohibition** by rabbinic law. To preserve linguistic symmetry, **he teaches the first clause** in this manner **as well,** stating: **He does not violate** the prohibition.

לֵימָא מְסַיַּיע לֵיהּ: הַכָּחָל – קוֹרְעוֹ וּמוֹצִיא אֶת חֶלְבּוֹ, לֹא קָרָעוֹ – אֵינוֹ עוֹבֵר עָלָיו. הַלֵּב – קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ, לֹא קָרָעוֹ – קוֹרְעוֹ לְאַחַר בִּשּׁוּלוֹ, וּמוּתָּר. לֵב הוּא דְּבָעֵי קְרִיעָה, אֲבָל כָּחָל – לָא בָּעֵי קְרִיעָה.

The Gemara suggests: **Let us say** that the following *baraita* **supports** this opinion: One who wants to eat **the udder** of a slaughtered animal **tears it and removes its milk.** If **he did not tear** the udder before cooking it, **he does not violate** the prohibition against cooking and eating meat and milk and does not receive lashes **for it.** One who wants to eat **the heart** of a slaughtered animal **tears it and removes its blood.** If **he did not tear** the heart before cooking and eating it, **he tears it after its cooking, and it is permitted.** One can infer from the *baraita* that **it is** only the **heart that requires tearing** after cooking if it was not torn beforehand. **But** the **udder does not require tearing** after being cooked unlawfully. Evidently, it is permitted as is.

דִּלְמָא: לֵב הוּא דְּסַגִּי לֵיהּ בִּקְרִיעָה, אֲבָל כָּחָל – לָא סַגִּי לֵיהּ בִּקְרִיעָה.

The Gemara rejects this: **Perhaps** one should infer the opposite, that **tearing** after cooking **is sufficient** only **to** render the **heart** permitted, as the heart does not absorb blood through cooking. **But tearing** after cooking **is not sufficient to** render the **udder** permitted, as the meat of the udder absorbs the milk through cooking, and tearing will not remove the absorbed milk.

וְאִיכָּא דְּאָמְרִי, אָמַר רַבִּי זֵירָא אָמַר רַב: אֵינוֹ עוֹבֵר עָלָיו, וְאָסוּר. לֵימָא מְסַיַּיע לֵיהּ: ״אֵינוֹ עוֹבֵר עָלָיו״ – מִיעֲבַר הוּא דְּלָא עֲבַר, הָא אִיסּוּרָא אִיכָּא.

And some say a different version of the above exchange, based on a different version of Rav's statement: **Rabbi Zeira says** that **Rav says:** If one does not tear the udder of a slaughtered animal before cooking it, **he does not violate** the Torah prohibition, **but** it is **prohibited** to eat the cooked product by rabbinic law. The Gemara suggests: **Let us say** that the mishna **supports** this opinion, as it states: **He does not violate** the prohibition, indicating that although **he does not violate** a Torah prohibition and is not flogged, **there is** nevertheless **a prohibition** by rabbinic law.

בְּדִין הוּא דְּאִיסּוּרָא נַמִּי לֵיכָּא, וְאַיְידֵי דְּבָעָא לְמִיתְנָא סֵיפָא ״הַלֵּב קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ, לֹא קָרָעוֹ אֵינוֹ עוֹבֵר עָלָיו״, דְּהָתָם – מִיעֲבַר הוּא דְּלָא עֲבַר, הָא אִיסּוּרָא אִיכָּא, תְּנָא נַמִּי רֵישָׁא ״אֵינוֹ עוֹבֵר עָלָיו״.

The Gemara responds: **By right** the mishna **should have** taught **that there is not even a prohibition** by rabbinic law. **But** the *tanna* of the mishna uses this language **since he wants to teach the latter clause:** One who wants to eat **the heart** of a slaughtered animal **tears it and removes its blood,** but if **he did not tear** the heart before cooking and eating it, **he does not violate** the prohibition **for it. There,** it is true that although **he does not violate** a Torah prohibition **there is a prohibition** by rabbinic law. **He** therefore **teaches** in **the first clause** in this manner **as well,** stating: **He does not violate** the prohibition **for it.**

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תָּא שְׁמַע: הַכּוֹחֵל – קוֹרְעוֹ וּמוֹצִיא אֶת חֶלְבּוֹ, לֹא קָרָעוֹ – אֵינוֹ עוֹבֵר עָלָיו. הַלֵּב – קוֹרְעוֹ וּמוֹצִיא אֶת דָּמוֹ, לֹא קָרָעוֹ – קוֹרְעוֹ לְאַחַר בִּשּׁוּלוֹ, וּמוּתָּר. לֵב הוּא דִּבָּעֵי קְרִיעָה, אֲבָל כְּחָל – לָא בָּעֵי קְרִיעָה!

The Gemara suggests: **Come** and **hear** a proof from a *baraita*: One who wants to eat **the udder** of a slaughtered animal **tears it and removes its milk. If he did not tear** the udder before cooking it, **he does not violate** the prohibition **for it.** One who wants to eat **the heart** of a slaughtered animal **tears it and removes its blood. If he did not tear** the heart before cooking and eating it, **he tears it after its cooking, and it is permitted.** One can infer from the *baraita* that **it is** only the **heart that requires tearing** after cooking if it was not torn beforehand, **but** the **udder does not require tearing** after being cooked unlawfully. Evidently, it is permitted as is.

דִּלְמָא: לֵב הוּא דְּסַגֵּי לֵיהּ בִּקְרִיעָה, אֲבָל כְּחָל – לָא סַגֵּי לֵיהּ בִּקְרִיעָה.

The Gemara rejects this: **Perhaps** one should infer the opposite, that **tearing** after cooking **is sufficient** only **to** render the **heart** permitted, as the heart does not absorb blood through cooking. **But tearing** it after cooking **is not sufficient to** render the **udder** permitted, as the meat of the udder absorbs the milk through cooking, and tearing will not remove the absorbed milk. This concludes the second version of the Gemara's discussion.

תַּנְיָא כְּלִישָׁנָא קַמָּא דְּרַב: כְּחָל שֶׁבִּשְּׁלוֹ בַּחֲלָבוֹ – מוּתָּר, קִבָּה שֶׁבִּשְּׁלָהּ בַּחֲלָבָהּ – אָסוּר,

The Gemara comments: **It is taught** in a *baraita* **in accordance with the first version of Rav's** statement: **An udder that one cooked,** i.e., roasted, **in its milk**[N] **is permitted.** By contrast, the **stomach** of a suckling lamb or calf **that one cooked,** i.e., roasted, together **with** the **milk** it contains[H] is **prohibited** for consumption.

וּמָה הֶפְרֵשׁ בֵּין זֶה לָזֶה – זֶה כָּנוּס בְּמֵעָיו, וְזֶה אֵין כָּנוּס בְּמֵעָיו.

The *baraita* explains: **And what** is the **distinction between this** stomach **and that** udder? The milk **this** calf suckled was considered milk the moment it left the mother's teat, and it was merely **collected in** the calf's **innards. But that** milk in the udder is not defined as milk, since it was **never collected in** the animal's **innards** from outside but is found in the flesh. Consequently, this meat of the udder is not prohibited if it is roasted with the milk it contains, although one should still tear it by rabbinic law *ab initio*.

בֵּיצַד קוֹרְעוֹ? אָמַר רַב יְהוּדָה: קוֹרְעוֹ שְׁתֵּי וְעֵרֵב וְטָחוֹ בְּכוֹתֶל. אָמַר לֵיהּ רַבִּי אֶלְעָזָר לְשַׁמָּעֵיהּ: קְרַע לִי וַאֲנָא אֵיכוֹל. מַאי קָא מַשְׁמַע לָן? מַתְנִיתִין הִיא! הָא קָא מַשְׁמַע לָן: דְּלָא בָּעֵינַן שְׁתֵּי וְעֵרֵב וְטָחוֹ בְּכוֹתֶל.

§ The Gemara inquires: **How must one tear** an udder before cooking it? **Rav Yehuda says: One tears it lengthwise and widthwise** [***sheti va'erev***][L] **and smears it against a wall** to remove all the milk. The Gemara relates: **Rabbi Elazar said to his attendant: Tear** an udder **for me** before you roast it, **and I will eat** it. The Gemara asks: **What is** this episode **teaching us? It is** explicitly stated in **the mishna** that one must do this. The Gemara answers: **This** story **teaches us that** according to Rabbi Elazar **we do not require** one to tear it **lengthwise and widthwise and smear it against a wall.** Rather, it is enough simply to tear it once, either lengthwise or widthwise.

אֲמַרָה לֵיהּ יַלְתָּא לְרַב נַחְמָן: מִכְּדֵי, כָּל דַּאֲסַר לָן רַחֲמָנָא שְׁרָא לָן כְּווֹתֵיהּ, אֲסַר לָן דָּמָא – שְׁרָא לָן כַּבְדָּא, נָדָה – דַּם טוֹהַר,

§ **Yalta**[P] **said to** her husband **Rav Naḥman: Now** as a rule, for **any** item **that the Merciful One prohibited to us, He permitted to us a similar** item. He **prohibited to us** the consumption of **blood,** yet **He permitted to us** the consumption of **liver,** which is filled with blood and retains the taste of blood. Likewise, God prohibited sexual intercourse with **a menstruating woman,** but permitted sexual intercourse with one's wife while she discharges **the blood of purity.** During a particular period after giving birth, even if she experiences a flow of blood she is not rendered ritually impure and remains permitted to her husband by Torah law.

NOTES

An udder that one cooked [*shebishelo*] in its milk – כְּחָל שֶׁבִּשְּׁלוֹ בַּחֲלָבוֹ: Although the Gemara here utilizes a term of cooking [*bishul*], Rashi explains that in reality this term means roasted throughout this passage when used with regard to udders. Rashi notes that a term of cooking [*vayvashelu*] is employed, where it means roasting, in a verse in II Chronicles (35:13) with regard to roasting the Paschal offering.

HALAKHA

The stomach that one cooked with the milk it contains – קִבָּה שֶׁבִּשְּׁלָהּ בַּחֲלָבָהּ: Milk found in the stomach of a lamb or calf is not considered milk with regard to the prohibition of meat cooked in milk. Consequently, one may cook meat together with the milk. Some authorities prohibit cooking meat with this milk, and the Rema writes likewise that this is the accepted practice (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:15; *Shulḥan Arukh*, *Yoreh De'a* 87:9, and in the comment of Rema).

LANGUAGE

Lengthwise and widthwise [*sheti va'erev*] – שְׁתִּי וָעֵרֵב: This expression comes from the craft of weaving. The basic threads woven into a cloth are the threads of the warp [*sheti*], placed lengthwise to the loom. The widthwise threads of the woof [*erev*] are woven into them. Due to the pattern of the threads of the warp and the woof, their names are used here as synonyms for lengthwise and widthwise.



Loom showing the lengthwise threads of the warp and the widthwise threads of the woof

PERSONALITIES

Yalta – יַלְתָּא: Yalta, Rav Naḥman's wife, was from the family of the Exilarch and may have been the daughter of the Exilarch himself. Some say she was the daughter of Rabba bar Avuh, who was a member of the family of the Exilarch. As can be inferred from several incidents recounted in the Talmud, Yalta was confident in her opinions, partly due to her lineage from a distinguished and wealthy family. Her husband treated her with deference, and she herself demanded respect from various Sages. She would listen and join in many of Rav Naḥman's conversations and disputes with other Sages, and apparently had extensive knowledge of Torah.

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חֵלֶב בְּהֵמָה – חֵלֶב חַיָּה, חֲזִיר – מוּתָּר דִּשְׁיבּוּטָא, גִּירוּתָא – לִישָּׁנָא דְּכַוְורָא,

Furthermore, the Torah prohibits the consumption of the forbidden **fat of a domesticated animal,** but permitted the **fat of an undomesticated animal,** which has the same flavor. It is prohibited to eat **pork,** but one may eat **the brain of a *shibuta*** [B] fish, which has a similar taste. One may not eat ***giruta,*** a non-kosher fish, but one may eat the **tongue of a fish,** which tastes similar.

אֵשֶׁת אִישׁ – גְּרוּשָׁה בִּחַיֵּי בַּעְלָהּ, אֵשֶׁת אָח – יְבָמָה, גּוֹיָה – יְפַת תֹּאַר, בָּעֵינַן לְמֵיכַל בִּשְׂרָא בְּחַלְבָא!

Likewise, the Torah prohibits sexual intercourse with **the wife of** another **man** but permitted one to marry **a divorced woman in her** previous **husband's lifetime.** The Torah prohibits sexual intercourse with one's **brother's wife,** and yet it permits one to marry his ***yevama,*** i.e., his brother's widow when the brother dies childless. Finally, the Torah prohibits sexual intercourse with **a gentile woman** but permitted one to marry **a beautiful woman** who is a prisoner of war (see Deuteronomy 21:10–14). Yalta concluded: The Torah prohibits the consumption of meat cooked in milk; **I wish to eat** a dish that tastes like **meat** cooked **in milk.**

אֲמַר לְהוּ רַב נַחְמָן לְטַבָּחֵי: זְווּקוּ לָהּ כָּחְלִי. וְהָאֲנַן תְּנַן ״קוֹרְעוֹ״? הַהוּא לִקְדָרָה.

Upon hearing this, **Rav Naḥman said to** his **cooks: Roast udders on a spit for her.** The Gemara asks: **But didn't we learn** in the mishna that one must **tear** the udder first? Rav Naḥman did not tell his cooks to tear the udders. The Gemara answers: **That** requirement was stated only **with regard to** cooking in **a pot,** not roasting.

וְהָא קָתָנֵי ״שֶׁבִּשְּׁלוֹ״ – דִּיעֲבַד – אִין, לְכַתְּחִלָּה – לָא! הוּא הַדִּין דְּאַפִּילּוּ לְכַתְּחִלָּה, וַאֲיִידִי דְּקָא בָּעֵי לְמִיתְנָא סֵיפָא קָתָנֵי,

The Gemara asks: **But isn't it taught** in the *baraita* cited above: An udder **that one cooked** in its milk is permitted? This indicates that **after the fact, yes,** it is permitted, but one may **not** roast it ***ab initio*** without tearing it. The Gemara answers: **The same is true even** of roasting ***ab initio,*** i.e., it is permitted, **and** the *tanna* of the *baraita* uses this language **since he wants to teach** in **the latter clause: A stomach**

BACKGROUND

***Shibuta* – שִׁיבּוּטָא:** This is probably a reference to the shabout, *Barbus grypus*, from the Cyprinidae family, a large freshwater carp from rivers in Iraq and Iran. This edible fish, which to this day is called by a similar name in Arabic, the شابوط, *shabbūt*, can grow to a length of almost 2 m.



Drawing of a shabout

Perek **VIII**
Daf **110** Amud **a**

שֶׁבִּשְּׁלָהּ בַּחֲלָבָהּ – אֲסוּרָה, דַּאֲפִילּוּ דִּיעֲבַד נַמִּי לָא, תְּנָא נַמִּי רֵישָׁא שֶׁבִּשְּׁלָהּ.

of a suckling lamb or calf **that one cooked** together **with** the **milk** it contains **is prohibited.** There, **even** if one roasted it he may **not** eat it **after the fact.** To preserve symmetry, the *tanna* of the *baraita* **taught** in **the first clause** in this manner **as well,** stating: An udder **that one cooked** in its milk is permitted.

כִּי סְלֵיק רַבִּי אֶלְעָזָר אַשְׁכְּחֵיהּ לְזֵעִירִי, אֲמַר לֵיהּ: אִיכָּא תַּנָּא דְּאַתְנֵייהּ לְרַב כְּחָל? אַחֲווֹיֵיהּ לְרַב יִצְחָק בַּר אֲבוּדִימִי. אֲמַר לֵיהּ: אֲנִי לֹא שָׁנִיתִי לוֹ כְּחָל כָּל עִיקָּר, וְרַב – בִּקְעָה מָצָא וְגָדַר בָּהּ גָּדֵר.

§ The Gemara above cited a second version of Rav's opinion, according to which an udder that was roasted without being torn is prohibited for consumption. The Gemara relates: **When Rabbi Elazar ascended** from Babylonia to Eretz Yisrael **he found Ze'eiri** and **said to him: Is there a *tanna* who taught Rav** that **an udder** roasted without first being torn is prohibited? Ze'eiri **showed him Rav Yitzḥak bar Avudimi.** Rav Yitzḥak bar Avudimi **said to** Rabbi Elazar: **I did not teach** Rav that **an udder** is prohibited **at all;** rather, **Rav found** an unguarded **valley and fenced it in.** [B] Rav taught this stringent ruling as an additional safeguard in Babylonia, where Jews were not careful about the prohibition of meat cooked in milk.

BACKGROUND

Rav found an unguarded valley and fenced it in – רַב בִּקְעָה מָצָא וְגָדַר בָּהּ גָּדֵר: When Rav returned from Eretz Yisrael to Babylonia in order to teach Torah and settle there, he found many ignorant people in the various Jewish settlements who treated prohibitions lightly. Therefore, he instituted additional prohibitions as safeguards, to prevent them from violating the principal prohibitions. This situation was compared to an unguarded valley, which one fences in to protect the land (see Rashi on *Eiruvin* 6a).

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דְּרַב אִיקְלַע לְטַטְלְפוּשׁ, שְׁמָעָהּ לְהַהִיא אִיתְּתָא דְּקָאֲמְרָה לַחֲבֵירְתָהּ: רִיבְעָא דְּבִשְׂרָא כַּמָּה חֲלָבָא בָּעֵי לְבַשּׁוּלֵי? אֲמַר: לָא גְּמִירִי דְּבָשָׂר בְּחָלָב אָסוּר! אִיעַכַּב וְקָאֲסַר לְהוּ כָּחֵלֵי.

The Gemara elaborates: **As** when **Rav arrived in Tatlefush,**[B] **he heard a certain woman saying to another: How much milk does it require to cook a quarter** weight **of meat?** Rav **said:** Evidently, these people **are not learned** enough in *halakha* to know **that meat** cooked **in milk is prohibited.** Rav **tarried** in that place, **and prohibited** even **udders to them,** so that they would not come to violate the prohibition of meat cooked in milk.

רַב כָּהֲנָא מַתְנֵי הָכִי. רַבִּי יוֹסֵי בַּר אַבָּא מַתְנֵי: אֲנָא כְּחָל שֶׁל מִנְיָקָה שָׁנִיתִי לוֹ, וּמִפִּלְפּוּלוֹ שֶׁל רַב חִיָּיא שָׁנָה לֵיהּ כְּחָל סְתָם.

Rav Kahana teaches that Rav Yitzḥak bar Avudimi replied to Rabbi Elazar in **that** manner described above. By contrast, **Rabbi Yosei bar Abba teaches** that Rav Yitzḥak bar Avudimi said: **I taught** Rav only that **the udder of** an animal **nursing** offspring is prohibited, as its udder contains much milk. **And due to the sharp** mind **of Rav Ḥiyya,** Rav's teacher, he assumed that Rav too would understand this without his saying so explicitly. Therefore, he **taught** this *halakha* to Rav with regard to **an unspecified udder.** Rav mistakenly thought that the ruling applies to all animals.

רָבִין וְרַב יִצְחָק בַּר יוֹסֵף אִיקְלָעוּ לְבֵי רַב פַּפִּי, אַיְיתוּ לְקַמַּיְיהוּ תַּבְשִׁילָא דְּכָחָל. רַב יִצְחָק בַּר יוֹסֵף – אֲכַל, רָבִין – לָא אֲכַל. אֲמַר אַבַּיֵי: רָבִין תָּכְלָא, אַמַּאי לָא אֲכַל? מִכְּדֵי, דְּבִיתְהוּ דְּרַב פַּפִּי – בְּרַתֵּיהּ דְּרַבִּי יִצְחָק נַפָּחָא הֲוַאי, וְרַבִּי יִצְחָק נַפָּחָא – מָרֵיהּ דְּעוּבְדָּא הֲוָה, אִי לָאו דִּשְׁמִיעַ לָהּ מִבֵּי נָשָׁא, לָא הֲוָה עָבְדָא!

The Gemara relates that **Ravin and Rav Yitzḥak bar Yosef arrived at the house of Rav Pappi.** The servants **brought before them a dish** made **of udder. Rav Yitzḥak bar Yosef ate** of it, but **Ravin did not eat. Abaye said: Bereaved Ravin,**[P] **why do you not eat? After all, Rav Pappi's wife is the daughter of Rabbi Yitzḥak Nappaḥa, and Rabbi Yitzḥak Nappaḥa was a master of** good **deeds,** who was meticulous in his performance of mitzvot. **Had** Rav Pappi's wife **not heard in her father's house** that such a dish is permitted, **she would not have made** it.

בְּסוּרָא לָא אָכְלִי כָּחֵלִי, בְּפוּמְבְּדִיתָא אָכְלִי כָּחֵלִי. רָמִי בַּר תַּמְרֵי, דְּהוּא רָמִי בַּר דִּיקוּלֵי מִפּוּמְבְּדִיתָא, אִיקְלַע לְסוּרָא בְּמַעֲלֵי יוֹמָא דְּכִפּוּרֵי, אַפְּקִינְהוּ כּוּלֵּי עָלְמָא לְכָחֵלֵיהוּ שְׁדִינְהוּ. אֲזַל אֵיהוּ, נָקְטִינְהוּ, אֲכַלִינְהוּ.

The Gemara relates: **In Sura they would not eat udders** at all, even torn and roasted. But **in Pumbedita they would eat udders. Rami bar Tamrei, who is** also called **Rami bar Dikulei, from Pumbedita, arrived in Sura on the eve of Yom Kippur.** Since it is a mitzva to eat and drink then, large quantities of meat were cooked, and **everyone brought out their udders** from the animals they had slaughtered and **threw them** away. Rami bar Tamrei **went** and **gathered** the udders, roasted them, and **ate them,** in accordance with his custom.

אַיְיתוּהּ לְקַמֵּיהּ דְּרַב חִסְדָּא. אֲמַר לֵיהּ: אַמַּאי תַּעֲבֵיד הָכִי? אֲמַר לֵיהּ: מֵאַתְרָא דְּרַב יְהוּדָה אֲנָא, דְּאָכֵיל. אֲמַר לֵיהּ: וְלֵית לָךְ "נוֹתְנִין עָלָיו חוּמְרֵי הַמָּקוֹם שֶׁיָּצָא מִשָּׁם וְחוּמְרֵי הַמָּקוֹם שֶׁהָלַךְ לְשָׁם"? אֲמַר לֵיהּ: חוּץ לַתְּחוּם אֲכַלְתִּינְהוּ.

The residents of Sura **brought** Rami bar Tamrei **before Rav Ḥisda,** who **said to him: Why did you do this?** Rami bar Tamrei **said to** Rav Ḥisda: **I am from the place of Rav Yehuda, who eats** udders, and this is the accepted custom in Pumbedita. Rav Ḥisda **said to him: And do you not hold** by the principle that the Sages **impose upon** a traveler **the stringencies of the place that he left and** also **the stringencies of the place to which he went?** You should have accepted the stringency of Sura and not eaten the udders. Rami bar Tamrei **said to** Rav Ḥisda: That principle applies only to one who remains in the place he is visiting, but **I ate** the udders **outside the boundaries** of Sura.

וּבְמָה טִיהַתִּינְהוּ? אֲמַר לֵיהּ: בְּפוּרְצָנֵי. וְדִלְמָא מִיַּין נֶסֶךְ הָוְיָא? אֲמַר לֵיהּ: לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ הָווּ.

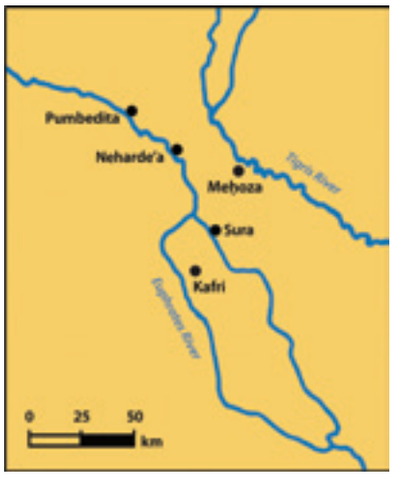
Rav Ḥisda further asked Rami bar Tamrei: **And with what did you roast** the udders? Rami bar Tamrei **said to him:** I roasted them **with grape seeds** [*purtzenei*][L] I found in the vines there. Rav Ḥisda objected: **But** how could you roast the udders with grape seeds, as **perhaps they were from wine** used for **a libation** to idolatry,[B] from which it is prohibited to derive benefit. Rami bar Tamrei **said to him:** These **were** old seeds that still lay there **after twelve months**[H] had passed since the grapes were used, and any prohibition had expired, as by that point they are assumed to have lost any prohibited liquid that previously remained inside (see *Avoda Zara* 34a).

וְדִלְמָא דְּגֵזֶל הֲוָה? אֲמַר לֵיהּ: יֵאוּשׁ בְּעָלִים הֲוָה, דְּקָדְחוּ בֵּהּ חִילְפֵי.

Rav Ḥisda further objected: **But perhaps** these seeds **were from stolen** property, i.e., they belonged to someone and it was prohibited for you to take them. Rami bar Tamrei **said to him:** Even so, in this case **there was** certainly **despair of the owners**[H] of recovering them, **as grass was growing among them.** Since the owners had allowed them to lie there for so long, they had clearly given up all hope of retrieving them.

BACKGROUND

Tatlefush – טַטְלְפוּשׁ: Although the precise location of Tatlefush is unknown, it was apparently in the region of the city of Sura, perhaps near Kafri, Rav's birthplace.



Possible vicinity of Tatlefush

Wine used for a libation to idolatry – יֵין נֶסֶךְ: It is prohibited to drink or derive benefit from wine used in rites of idolatry (see Deuteronomy 32:38). The Sages extended the scope of this prohibition to include drinking any wine touched by gentiles, even wine that was not used or intended for idolatry.

PERSONALITIES

Bereaved Ravin – רָבִין תָּכְלָא: Ravin, also known as Rabbi Avin, or Rabbi Bun in the Jerusalem Talmud, was called bereaved due to the deaths that coincided with his birth, as his father died before he was born and his mother passed away during childbirth (see Jerusalem Talmud, *Kiddushin* 1:7). Elsewhere it is claimed that his father, after whom he is named, passed away on the day of his birth (*Bereshit Rabba* 58). Alternatively, Rashi on *Pesaḥim* 70b explains that he was called by this name because many of his children died in his lifetime.

LANGUAGE

Grape seeds [*purtzenei*] – פּוּרְצָנֵי: This is the ancient Aramaic term for pits or the seeds of a plant. *Purtzenei* is used as a general term for the leftover parts of grapes after they have been squeezed into wine, including their seeds (see Rashi here and on *Avoda Zara* 34b). The same term is applied to all leftover parts, because after much crushing and squashing it is hard to differentiate between the skins and seeds of grapes, as they are all merged together into a thick mixture. When this waste matter dries it can be used for kindling, as Rami bar Tamrei does here.

HALAKHA

These were old seeds, after twelve months – לְאַחַר שְׁנֵים עָשָׂר חֹדֶשׁ הָווּ: It is prohibited to derive benefit from grape seeds and skins belonging to gentiles, as well as from the sediments of their wines, for twelve months. After that time, they are permitted even for consumption (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:14; *Shulḥan Arukh*, *Yoreh De'a* 123:14).

There was certainly despair of the owners – יֵאוּשׁ בְּעָלִים הָוָה: One who transgressed and ate stolen food after the owner had already despaired of recovering it is exempt from repayment (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 5:4).

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חֲזָיֵיהּ דְּלָא הֲוָה מַנַּח תְּפִילִין, אֲמַר לֵיהּ: מַאי טַעֲמָא לָא מַנַּחַת תְּפִילִין? אֲמַר לֵיהּ: חוֹלֵי מֵעַיִין הוּא, וַאֲמַר רַב יְהוּדָה, חוֹלֵי מֵעַיִין – פָּטוּר מִן הַתְּפִילִין.

Rav Ḥisda **saw that** Rami bar Tamrei **had not donned phylacteries,** and **said to him: What is the reason that you have not donned phylacteries?** Rami bar Tamrei **said to him: He,** i.e., I, am suffering from **intestinal illness, and Rav Yehuda said** that one who has **intestinal illness is exempt from the** mitzva of **phylacteries,**[H] which require a clean body, because he would have to remove them constantly to defecate.

חֲזָיֵיהּ דְּלָא הֲוָה קָא רָמֵי חוּטֵי, אֲמַר לֵיהּ: מַאי טַעֲמָא לֵית לָךְ חוּטֵי? אֲמַר לֵיהּ: טַלִּית שְׁאוּלָה הִיא, וַאֲמַר רַב יְהוּדָה:

Rav Ḥisda further **saw that** Rami bar Tamrei **had not placed** the **threads** of ritual fringes on his garment and **said to him: What is the reason that you do not have** the **threads** of ritual fringes? Rami bar Tamrei **said to him: It is a borrowed robe, and Rav Yehuda said:**

HALAKHA

One who has intestinal illness is exempt from the mitzva of phylacteries – חוֹלֵי מֵעַיִין פָּטוּר מִן הַתְּפִילִין: One who is afflicted with an intestinal illness is exempt from the mitzva of phylacteries, even if he is not suffering any pain (Rambam *Sefer Ahava*, *Hilkhot Tefillin UMezuza VeSefer Torah* 4:13; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 38:1, and in the comment of Rema).

Perek **VIII**
Daf **110** Amud **b**

טַלִּית שְׁאוּלָה, כָּל שְׁלֹשִׁים יוֹם – פְּטוּרָה מִן הַצִּיצִית.

With regard to **a borrowed robe,** during **all** of the first **thirty days**[H] that one borrows it, one is **exempt from** performing the mitzva of **ritual fringes** with it.

אַדְּהָכִי, אַיְיתוּהּ לְהַהוּא גַּבְרָא דְּלָא הֲוָה מוֹקֵר אֲבוּהּ וְאִמֵּיהּ, כְּפָתוּהוּ.

Meanwhile, as Rav Ḥisda and Rami bar Tamrei were talking, the attendants **brought** in **a certain man** to Rav Ḥisda's court **who would not honor his father and mother,**[H] and **they tied him** to a pillar in order to flog him.

אֲמַר לְהוּ: שְׁבַקְתּוּהוּ, דְּתַנְיָא: כָּל מִצְוֹת עָשֵׂה שֶׁמַּתַּן שְׂכָרָהּ בְּצִדָּהּ – אֵין בֵּית דִּין שֶׁלְּמַטָּה מְוַזְּרִין עָלֶיהָ. אֲמַר לֵיהּ: חָזֵינָא לָךְ דַּחֲרִיפַת טוּבָא! אֲמַר לֵיהּ: אִי הָווּ בְּאַתְרֵיהּ דְּרַב יְהוּדָה, אַחֲוֵינָא לָךְ חוּרְפָאי!

Rami bar Tamrei **said to them: Leave him** alone,[N] **as it is taught** in a *baraita*: With regard to **any positive mitzva whose reward** is stated **alongside it** in the Torah, **the** earthly **court below is not warned to** enforce **it** through punishments such as flogging. And it is stated after the mitzva of honoring one's father and mother: "That your days may be long, and that it go well with you" (Deuteronomy 5:16). Rav Ḥisda **said to** Rami bar Tamrei: **I see that you are very sharp.** Rami bar Tamrei **said to** Rav Ḥisda: **If you were in the place where Rav Yehuda** resides, **I would** be able to **show you my sharpness** of mind far better than here.

אֲמַר לֵיהּ אַבַּיֵי לְרַב סָפְרָא: כִּי סָלְקַת לְהָתָם בְּעֵי מִינַּיְיהוּ, כַּבְדָּא מַה אַתּוּן בֵּיהּ? כִּי סְלִיק, אַשְׁכְּחֵיהּ לְרַב זְרִיקָא, אֲמַר לֵיהּ: אֲנָא שָׁלְקִי לֵיהּ לְרַבִּי אַמִּי, וְאָכַל.

§ Pursuant to the discussion of different local customs, **Abaye said to Rav Safra: When you ascend there,** to Eretz Yisrael, **ask** the Sages there: With regard to **liver, how do you** treat **it? When** Rav Safra **ascended** to Eretz Yisrael **he found Rav Zerika** and asked him this question. Rav Zerika **said to him: I cooked** liver **for Rabbi Ami and he ate** it.

כִּי אֲתָא לְגַבֵּיהּ, אֲמַר לֵיהּ: לְמֵיסַר נַפְשֵׁהּ – לָא קָא מִיבָּעֲיָא לִי, כִּי קָמִבָּעֲיָא לִי – לְמֵיסַר חֲבֵירְתֵּהּ.

When Rav Safra returned to Babylonia and **came before** Abaye and reported what Rav Zerika had said, Abaye **said to him: I do not raise the dilemma** as **to** whether liver **renders itself prohibited** if cooked alone. It is clear to me that the blood that diffuses out of the liver is not absorbed again while it cooks. **When I raise the dilemma,** it is **with regard to** whether liver **renders prohibited another** piece of meat cooked with it. Rav Zerika's statement therefore has no bearing on my question.

HALAKHA

A borrowed robe during all thirty days, etc. – טַלִּית שְׁאוּלָה כָּל שְׁלֹשִׁים יוֹם וכו׳: One who borrows a garment that does not have ritual fringes is exempt from placing ritual fringes on it for the first thirty days. After thirty days have passed he must attach ritual fringes to the garment by rabbinic law, as it appears to belong to him, and he recites a blessing upon donning those ritual fringes (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 14:3 and *Mishna Berura* there).

Who would not honor his father and mother, etc. – דְּלָא הֲוָה מוֹקֵר אֲבוּהּ וְאִמֵּיהּ וכו׳: One who verbally disparages his father or mother even by intimation is cursed by God, and the court has the authority to administer to him lashes for rebelliousness and to punish him as they see fit (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 5:15).

NOTES

Rami bar Tamrei said to them, leave him alone – אֲמַר לְהוּ שְׁבַקְתּוּהוּ: The commentaries write that if a court wants to enforce the fulfillment of positive mitzvot, including those whose reward is stated alongside them in the Torah, they have the right to do so, but they are not obligated in this matter (Responsa of the Ramban 88, citing Jerusalem Talmud, *Bava Batra*; comment of Rema on *Shulḥan Arukh*, *Ḥoshen Mishpat* 97:16, and *Beit Yosef* there). The later commentaries note that according to this explanation, it is difficult to understand why Rami bar Tamrei instructed the court to leave the man alone, if the court has the right to flog him. Some explain that the right of the court to enforce the fulfillment of positive mitzvot applies only to positive mitzvot that are fulfilled in a clear, specific way that can be enforced immediately. But positive mitzvot such as honoring one's parents cannot necessarily be enforced immediately, as their fulfillment involves other factors (*Sma* on *Ḥoshen Mishpat* 97:16, and see *Taz* there).

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מַאי שְׁנָא לְמֵיסַר נַפְשֵׁהּ דְּלָא מִיבָּעֵיָא לָךְ – דְּתְנַן: אֵינָהּ נֶאֱסֶרֶת, לְמֵיסַר חֲבֵירְתָּהּ נַמִּי לָא תִּבָּעֵי לָךְ – דְּתְנַן: הַכָּבֵד אוֹסֶרֶת וְאֵינָהּ נֶאֱסֶרֶת, מִפְּנֵי שֶׁהִיא פּוֹלֶטֶת וְאֵינָהּ בּוֹלַעַת! אֲמַר לֵיהּ: דִּילְמָא הָתָם בְּכַבְדָּא דְּאִיסּוּרָא,

Rav Safra asked Abaye: **What is different** about the issue of the liver **rendering itself prohibited, that you did not raise the dilemma** with regard to this case? It is presumably because the answer is obvious to you, **as we learned** in a mishna (*Terumot* 10:11) that liver **is not rendered prohibited** by its own cooking. But if so, **you should not raise the dilemma with regard to** whether it **renders the other** piece of meat **prohibited either, as we learned** in that same mishna: **Liver renders** food cooked with it in the same pot **prohibited but is not prohibited** itself,[H] **because** while it does **expel** blood as it cooks, it **does not absorb** this blood again, since the blood diffuses only outward. Abaye **said to** Rav Safra: That mishna does not answer my question, as **perhaps there** it is referring specifically **to forbidden liver,** e.g., the liver of a non-kosher animal.

HALAKHA

Liver renders prohibited but is not prohibited itself – הַכָּבֵד אוֹסֶרֶת וְאֵינָהּ נֶאֱסֶרֶת: Due to the large amount of blood present in liver, one should not cook it after salting *ab initio*. Instead, one should tear it lengthwise and widthwise, and position its tear downward. At this point he should roast it until it is edible, and after that he may cook it. All this applies to a whole liver; if it is cut into pieces, these stages are unnecessary. When one cooks the liver after roasting, he should wash it first, but if he cooked it without washing, it is permitted (Rema). If the liver was not roasted, it is nevertheless permitted after the fact, provided the liver was cooked in a pot by itself. The pot is rendered non-kosher due to the blood emitted by the liver. Some prohibit the liver as well in this case, and the Rema states that according to the accepted custom, a liver that was not roasted is prohibited, even if it was salted before it was cooked (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:7; *Shulḥan Arukh*, *Yoreh De'a* 73:1).

Perek **VIII**
Daf **111** Amud **a**

וּמִשּׁוּם שַׁמְנוּנִיתָא, מִשּׁוּם דָּמָא מַאי?

And the other food is not forbidden due to the liver's blood, **but** rather **due to the fat** of the liver it absorbed. But if permitted liver is cooked with another piece of meat, and the concern is only that the meat might be prohibited **due to** the meat absorbing excess **blood** from the liver, **what** is the *halakha*? Perhaps blood is absorbed less easily than fat.

כִּי הֲדַר סְלִיק אַשְׁכְּחֵיהּ לְרַבִּי זְרִיקָא. אֲמַר לֵיהּ: הַאי נַמִּי לָא תִּבָּעֵי לָךְ, דַּאֲנָא וְיַנַּאי בְּרֵיהּ דְּרַבִּי אַמִּי אֵיקְלַעַן לְבֵי יְהוּדָה בְּרֵיהּ דְּרַבִּי שִׁמְעוֹן בֶּן פָּזִי, וְקָרִיבוּ לָן קַנְיָא בְּקוֹפֵיהּ – וַאֲכַלְנָא.

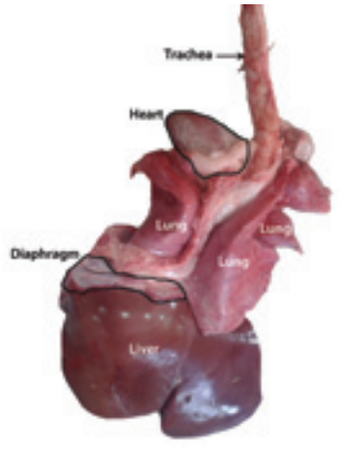
When Rav Safra **again ascended** to Eretz Yisrael, **he found Rabbi Zerika** once more and asked him about liver cooked with another piece of meat. Rabbi Zerika **said to him: You** need **not ask this** question **either, as I and Yannai, son of Rabbi Ami, arrived at the house of Yehuda, son of Rabbi Shimon ben Pazi, and they brought before us the windpipe** of an animal **with** all the parts **attached to it,**[B] i.e., the lungs, heart, and liver, all of which had been cooked together, **and we ate** it. This proves that the blood emitted from the liver does not render prohibited other pieces of meat cooked with it.

מַתְקִיף לָהּ רַב אַשִׁי, וְאִיתֵּימָא רַבִּי שְׁמוּאֵל מִזְּרוֹקִינְיָא: וְדִלְמָא פִּי קָנֶה חוּץ לַקְּדֵרָה הָוֶה? אִי נַמִּי, מִיחַלַּט הָוֶה חָלֵיט לֵיהּ מֵעִיקָּרָא? כִּי הָא, דְּרַב הוּנָא – חָלְטִי לֵיהּ בְּחָלָא, וְרַב נַחְמָן – חָלְטִי לֵיהּ בְּרוֹתְחִין.

Rav Ashi, and some say Rabbi Shmuel from Zerokinya, objects to this conclusion: **But perhaps** in that incident **the mouth of the windpipe was** positioned **outside of the pot,**[N] allowing the liver's excess blood to run out of the pot rather than being absorbed by the other pieces of meat. **Alternatively,** perhaps they **poured boiling liquid on** the liver **at the outset,** before it was cooked with the lung and heart, **like that** custom **of Rav Huna,** for whom **they would pour boiling vinegar on** liver, **and** that of **Rav Naḥman,** for whom **they would pour boiling water on** liver.[H] This would cook the excess blood into the liver and prevent it from diffusing into the other pieces. Abaye's question remains unresolved.

BACKGROUND

The windpipe with all the parts attached to it – קַנְיָא בְּקוֹפֵיהּ: It is common to remove the windpipe of a slaughtered animal with the lungs, heart, and liver attached. This unit is referred to as a pluck, and one can hold up the windpipe with those organs suspended from it. It is not unusual to cook them together in traditional dishes.



Pluck

HALAKHA

They would pour boiling water on liver – חָלְטִי לֵיהּ בְּרוֹתְחִין: If one pours vinegar or boiling water on a liver, in accordance with the practices of Rav Huna and Rav Naḥman, respectively, and then perforates and removes the blood from the liver, according to the strict *halakha* it is permitted to cook this liver, but the *ge'onim* prohibited cooking it. If one did cook liver in this manner, it is permitted after the fact (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:7; *Shulḥan Arukh*, *Yoreh De'a* 73:2 and *Beur HaGra* there).

NOTES

But perhaps the mouth of the windpipe was positioned outside of the pot – וְדִלְמָא פִּי קָנֶה חוּץ לַקְּדֵרָה הָוֶה: Rashi says this positioning enabled the arteries of the liver to carry the blood to the windpipe and out of the pot. The Meiri adds that since the blood finds a direct way of exiting it does so and does not travel through the meat of the liver. The Rashba further adds that for this reason, even the blood that was in the liver itself exits through the windpipe out of the pot and not into the boiling water that is in the pot. Rashi indicates that the large windpipe of the lung splits into three secondary windpipes that carry the blood (see also Rashi on 45b and 49a). According to his explanation, one of these leads to the lung, the second to the heart, while the third goes to the liver. In actuality, though, the large windpipe is a tube that allows for the passage of air, and it enters the lung, whereas the tubes that enter the heart and lung are blood vessels. Some explain that Rashi agrees that blood from the liver would not flow naturally to the mouth of the windpipe. But this is referring to a case where the tubes of the liver, heart, and lung, which are positioned alongside one another, were perforated with a knife. This enables the flow of blood from the blood vessels of the heart and the liver to continue through the windpipe and out of the pot. This process is necessary because the blood vessels of the heart and the liver are relatively short, whereas the longer windpipe stretches out of the pot (*Kehillot Ya'akov*).

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וְסָבַר רַב פַּפָּא קַמֵּיהּ דְּרָבָא לְמֵימַר: חָלָא אֲסִיר, אֲמַר לֵיהּ: אִי חָלָא אֲסִיר – אִיהוּ נַמִי אֲסִיר, כִּי הֵיכִי דְּפָלֵיט הֲדַר בָּלַע.

And with regard to the pouring of boiling vinegar on the liver, **Rav Pappa,** when he was a student **before Rava, thought to say** that the **vinegar** becomes **prohibited** for consumption in the process, since it absorbs blood from the liver. Rava **said to** Rav Pappa: **If** you claim that the **vinegar is prohibited,** then the liver **itself** should **also** be **prohibited,** since **just as** the liver **expels** blood and prohibits the vinegar, so too **it then absorbs** the blood back from the forbidden vinegar. Rather, one must say that no blood is expelled from the liver during this process at all, which is why the liver is permitted afterward.

רַב בַּר שַׁבָּא אִיקְלַע לְבֵי רַב נַחְמָן, אַיְיתוּ לֵיהּ כַּבְדָּא שְׁלִיקָא וְלָא אֲכַל, אָמְרוּ לֵיהּ: בַּר בֵּי רַב דִּלְגָיו לָא אָכֵיל! וּמַנּוּ? רַב בַּר שַׁבָּא, אֲמַר לְהוּ רַב נַחְמָן: גָּאמוּ לְשַׁבָּא.

The Gemara relates that **Rav bar Shabba visited the house of Rav Naḥman. They brought him cooked liver, but** Rava bar Shabba **did not partake** of it. The members of the household **said to** Rav Naḥman: There is **a student** of Torah **inside** who **is not eating. And who is he? Rav bar Shabba. Rav Naḥman said to them: Feed Shabba** against his will.

כְּתַנָּאֵי, רַבִּי אֱלִיעֶזֶר אוֹמֵר: הַכָּבֵד אוֹסֶרֶת וְאֵינָהּ נֶאֱסֶרֶת, מִפְּנֵי שֶׁפּוֹלֶטֶת וְאֵינָהּ בּוֹלַעַת. רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: מְתוּבֶּלֶת – אוֹסֶרֶת וְנֶאֱסֶרֶת, שְׁלוּקָה – אוֹסֶרֶת וְנֶאֱסֶרֶת.

The Gemara notes: Abaye's question above with regard to liver cooked with other meat is **subject to** a dispute between ***tanna'im,*** as it is taught in a *baraita*: **Rabbi Eliezer says: The liver** that was cooked with other pieces of meat **prohibits** them, **but** it itself **is not prohibited, because it expels** blood as it cooks **but does not absorb** it again. **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says:** If the liver was **spiced** when cooking, it **prohibits** the other meat **and** it becomes **prohibited** as well, as the spices cause the liver to reabsorb the blood that was expelled. Likewise, if the liver was **stewed,** i.e., heavily cooked, it **renders** the other pieces **prohibited and** is itself **prohibited.**

רַבָּה בַּר רַב הוּנָא אִקְלַע לְבֵי רַבָּה בַּר רַב נַחְמָן, אַיְיתֵי לְקַמֵּיהּ תְּלָת סָאֵי טְחַאי. אֲמַר לְהוּ: מִי חֲזֵיתוּ יְדִיעְתִּי דְּאָתֵינָא? אֲמַרוּ לֵיהּ: מִי עֲדִיפַתְּ לָן מִינָּהּ דִּכְתִיב ״וְקָרָאתָ לַשַּׁבָּת עֹנֶג״?!

The Gemara relates: **Rabba bar Rav Huna visited the house of Rabba bar Rav Naḥman** and dined with him on Shabbat. **They brought before him three *se'a*** [B] of fine bread that had been **kneaded** in oil and honey. Rabba bar Rav Huna **said to** the members of Rabba bar Rav Naḥman's household: **Did you know that I was coming,** that you prepared such superior food? **They said to him: Are you more distinguished than** Shabbat, **as it is written** with regard to Shabbat: "**If you proclaim Shabbat a delight,** the sacred day of God honored" (Isaiah 58:13).

אַדַּהָכִי, אַשְׁכַּח הַהוּא כַּבְדָּא דַּהֲוָה בָּהּ סִמְפּוֹנָא דִּבְלִיעָא דָּמָא. אֲמַר לְהוּ: אַמַּאי עָבְדִיתוּ הָכִי? אֲמַרוּ לֵיהּ: אֶלָּא הֵיכִי נַעֲבִיד? אֲמַר לְהוּ: קְרָעוּ שְׁתֵּי וָעֶרֶב וְחִיתּוּכָא לְתַחַת.

Meanwhile, Rabba bar Rav Huna **found** among the dishes before him **a certain liver that contained an artery suffused with blood. He said to** the members of the household: **Why do you do this?** Although the blood absorbed in the liver is permitted, that which is collected in the blood vessels is prohibited. The members of the household **said to him: Rather, what should we do** in order to prepare the liver? Rabba bar Rav Huna **said to them:** First **tear** the liver **lengthwise and widthwise, and** position the side with **the tear downward,** so that the blood will flow out when you place it on the fire.

וְהָנֵי מִילֵּי – כַּבְדָּא, אֲבָל טַחְלָא – שׁוּמָנָא בְּעָלְמָא הוּא. כִּי הָא דִּשְׁמוּאֵל עָבְדִי לֵיהּ תַּבְשִׁילָא דְּטַחְלֵי בְּיוֹמָא דַּעֲבֵיד מִלְּתָא.

The Gemara comments: **And this statement** applies only to **liver,** due to the blood that collects in its blood vessels; **but** there is no need to tear the **spleen** in this manner, as it **merely** contains **fat.** [H] And this ruling **accords with that** which is reported **about Shmuel,** that his attendants **would prepare a dish of spleens for him on the day that he performed the practice** of bloodletting.

§ אִתְּמַר: כַּבְדָּא עִילָּוֵי בִּשְׁרָא – שָׁרֵי, דָּמָא מִשְׁרַק שָׁרֵיק. כְּחָלָא עִילָּוֵי בִּשְׁרָא – אָסוּר, מַאי טַעְמָא – חָלָב סְרוּכֵי מִסְרִיךְ.

It was stated: If liver and other meat are roasted on spits in an oven such that **the liver** is positioned **on top of the meat,** the meat is **permitted** even though blood from the liver flows onto it. This is because **the blood** that flows from an item roasting in the oven **slides** over meat located underneath it and is not absorbed. But if **an udder** is positioned **on top of the meat** when roasted in the oven, the meat is **prohibited. What is the reason?** It is that the **milk** expelled by the roasting udder **adheres to** and is absorbed by the meat.

BACKGROUND

Se'a – **סְאָה**: A *se'a*, which consists of six *kav*, is a measurement of volume used in many areas of *halakha*. The size of a *se'a* ranges from 8.3 to 14.3 ℓ, according to the opinions of the various halakhic authorities. Therefore, three *se'a* is somewhere between 25 and 43 ℓ.

HALAKHA

The spleen merely contains fat – טַחְלָא שׁוּמָנָא בְּעָלְמָא הוּא: Although the spleen has a reddish appearance and appears to be full of blood, its halakhic status is like that of other meat, and it is permitted for consumption through salting alone (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 6:9; *Shulḥan Arukh, Yoreh De'a* 74:1).

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HALAKHA

Whether in the case of liver or in the case of an udder, if it is underneath the meat, the meat is permitted, etc. – בֵּין כַּבְדָּא בֵּין כֻּחָלָּא תּוּתֵי בִּשְׂרָא שָׁרֵי וכו׳: It is prohibited to roast liver placed on a spit with other meat *ab initio*, even if the liver is placed underneath the meat. The Rema writes that if the liver has already been salted, then it is permitted to roast it with meat, even if the liver is placed on top of the meat, as its blood has been reduced to the extent that it is considered like an ordinary piece of meat placed on top of another. With regard to this issue, the *halakha* of roasting an udder is the same as that of roasting a liver (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:8; *Shulḥan Arukh*, *Yoreh De'a* 73:4, 90:4).

רַב דִּימִי מִנְּהַרְדְּעָא מַתְנֵי אִפְּכָא: כֻּחָלָּא עִילָּוֵי בִּשְׂרָא – שָׁרֵי, מַאי טַעְמָא – חֵלֶב שְׁחוּטָה דְּרַבָּנַן, כַּבְדָּא עִילָּוֵי בִּשְׂרָא – אָסוּר, דָּם דְּאוֹרַיְיתָא.

Rav Dimi from Neharde'a would **teach the opposite:** Whenever **an udder** is positioned **on top of the meat,** the meat is **permitted. What is the reason?** The prohibition of meat cooked in **milk of a slaughtered** animal applies **by rabbinic law,** and is treated less stringently. But if **liver** is positioned **on top of the meat,** the meat is **prohibited,** as the prohibition of **blood** applies **by Torah law,** and one must be concerned that perhaps the meat will absorb blood from the liver.

דְּרַשׁ מָרֵימָר, הִלְכְתָא: בֵּין כַּבְדָּא בֵּין כֻּחָלָּא, תּוּתֵי בִּשְׂרָא – שָׁרֵי. עִילָּוֵי בִּשְׂרָא, דִּיעֲבַד – אִין, לְכַתְּחִלָּה – לָא.

Mareimar taught in public: The ***halakha*** is: **Whether** in the case of **liver or** in the case of **an udder,** if it is **underneath the meat,** the meat is **permitted,**[H] but if it is **on top of the meat,** then **after the fact, yes,** the meat is permitted, but ***ab initio*, no,** one may not situate them in this manner.

רַב אַשִׁי אִיקְּלַע לְבֵי רָמִי בַּר אַבָּא חֲמוּהּ, חֲזָיֵיהּ לִבְרֵיהּ דְּרָמִי בַּר אַבָּא דְּקָא

The Gemara relates: **Rav Ashi arrived at the house of his father-in-law Rami bar Abba,** and **he saw that the son of Rami bar Abba was**

Perek **VIII**
Daf **111** Amud **b**

HALAKHA

The knife with which one slaughtered it absorbs blood and it is prohibited to cut boiling food – סַכִּין שֶׁשָּׁחַט בָּהּ אָסוּר לַחְתּוֹךְ בָּהּ רוֹתֵחַ: A knife that has been used for ritual slaughter is fit for use for another ritual slaughter, even if it is bloodied. Nevertheless, one may not cut boiling food with it. The Rambam writes that if one did cut boiling food with it, that food is permitted after the fact (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:20, and see *Maggid Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 10:2).

If one cut cold food with this knife some say the piece he cut requires rinsing, etc. – צוֹנֵן אָמְרִי לָהּ בָּעֵיָא הֲדָחָה וכו׳: With regard to a knife that has been used for ritual slaughter, one may cut cold food with it after rinsing it first (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:20; *Shulḥan Arukh*, *Yoreh De'a* 10:2).

שַׁפִּיד כַּבְדָּא עִילָּוֵי בִּשְׂרָא, אֲמַר: כַּמָּה יָהִיר הַאי מָרְבָּנַן! אֵימַר דַּאֲמוּר רַבָּנַן – דִּיעֲבַד, לְכַתְּחִלָּה מִי אֲמוּר?

skewering liver on top of meat for roasting. Rav Ashi **said: How haughty is this Sage!** Even if you **say that the Sages stated** that one may eat meat roasted under liver **after the fact, did they say** that one may roast them in this manner ***ab initio*?**

וְאִי אִיכָּא בֵּי דּוּגִי – בִּשְׂרָא עִילָּוֵי כַּבְדָּא נַמִי אָסִיר.

The Gemara adds: **And if there is a receptacle** under the spit **for the drippings** of fat, then even if the **meat** is **on top of** the **liver** it is **also prohibited** to roast the meat, as the blood from the liver will fall into the fat in the vessel, and one might come to eat the mixture.

וּמַאי שְׁנָא מִדָּמָא דִּבְשָׂרָא? דָּמָא דִּבְשָׂרָא – שְׁכַן, דָּמָא דְּכַבְדָּא – קָפֵי.

The Gemara asks: **And** in **what** way **is** this case **different from** roasting a piece of meat by itself over such a vessel, which is permitted? Here too the **blood of the meat** drips into the fat in the vessel. The Gemara answers: **Blood of** most **meat sinks** to the bottom of the vessel, while the fat floats on top. Since the fat can be separated from the blood, it is permitted. By contrast, the **blood of the liver floats** above the fat and cannot be removed from it, and therefore the entire mixture is prohibited.

אָמַר רַב נַחְמָן, אָמַר שְׁמוּאֵל: סַכִּין שֶׁשָּׁחַט בָּהּ – אָסוּר לַחְתּוֹךְ בָּהּ רוֹתֵחַ. צוֹנֵן – אָמְרִי לָהּ: בָּעֵיָא הֲדָחָה, וְאָמְרִי לָהּ: לָא בָּעֵיָא הֲדָחָה.

§ **Rav Naḥman says** that **Shmuel says:** The **knife with which one slaughtered** an animal absorbs blood due to its heat, and it is therefore **prohibited to cut** any **boiling** food[H] **with it,** since that food will in turn absorb the blood from the knife. If one cut **cold** food with this knife, **some say** that the piece he cut **requires rinsing**[HN] before one may eat it, **and some say** that it **does not require rinsing.**

NOTES

If one cut cold food with this knife some say that the piece he cut requires rinsing – צוֹנֵן אָמְרִי לָהּ בָּעֵיָא הֲדָחָה: Rashi explains that this passage is referring to a case where one did not rinse the knife. Therefore, if it was subsequently used to cut hot food, Shmuel rules that the food is prohibited, whereas if the food was cold one opinion requires rinsing, which Rashi interprets as referring to rinsing the food, and the other opinion permits it without rinsing. If one did rinse the knife, then since there is no requirement to purge the knife despite the heat of the place of the slaughter on the animal's neck, it may be used to cut even hot foods (Ran; Ba'al HaMaor).

Others maintain that when the Gemara refers to rinsing, it is referring to rinsing the knife rather than the food. Therefore, the Gemara is saying that if one cuts a cold food with this knife, some maintain that one must rinse the knife first, while others contend that rinsing is not necessary, and one need only wipe the knife a little. But if one wishes to use this knife to cut boiling food, it must be purged or rendered white hot (Ramban). The reason is that although the place of the slaughter is not that hot, since the knife presses onto it the Sages ruled that rinsing is insufficient (Rashba).

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§ The Gemara cites other statements of Shmuel. **Rav Yehuda says** that **Shmuel says:** With regard to **a bowl in which meat was salted**[H] to remove its blood before cooking, it is **prohibited to eat** any **boiling** food placed **in it,** as that food absorbs blood of the meat from the bowl. **And** in this **Shmuel** conforms **to his** standard line of **reasoning, as Shmuel said: A salted** food imparts its flavor **like a boiling** food, **and** a food item **marinated** in vinegar, brine, or the like absorbs flavor from the liquid or vessel **as** would **a cooked** food.

אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל: קְעָרָה שֶׁמָּלַח בָּהּ בָּשָׂר – אָסוּר לֶאֱכוֹל בָּהּ רוֹתֵחַ. וּשְׁמוּאֵל לְטַעֲמֵיהּ, דַּאֲמַר שְׁמוּאֵל: מָלִיחַ – הֲרֵי הוּא כִּרוֹתֵחַ, וְכָבוּשׁ – הֲרֵי הוּא כִּמְבוּשָׁל.

When Ravin came from Eretz Yisrael to Babylonia he said that **Rabbi Yoḥanan said: A salted** food **is not** considered **like a boiling** food, **and a marinated** food **is not** considered **like a cooked** food. **Abaye said:** I can prove that **this** ruling **that Ravin** cited **is not** correct, **as there was a certain bowl** [*pinka*][L] **in Rabbi Ami's house in which meat was salted, and** Rabbi Ami **broke it** so that it would no longer be used. **Now Rabbi Ami was a student of Rabbi Yoḥanan. What is the reason he broke** that bowl? Is it **not because he heard that Rabbi Yoḥanan said: A salted** food **is** considered **like a boiling** food? Ravin's citation was evidently in error.

כִּי אֲתָא רָבִין אָמַר רַבִּי יוֹחָנָן: מָלִיחַ – אֵינוֹ כִּרוֹתֵחַ, וְכָבוּשׁ – אֵינוֹ כִּמְבוּשָׁל. אָמַר אַבָּיֵי: הָא דְּרָבִין לֵיתָא, דְּהַהִיא פִּינְכָּא דַּהֲוָה בֵּי רַבִּי אַמִּי דְּמָלַח בֵּיהּ בְּשָׂרָא – וּתְבַרֵיהּ. מִכְּדֵי רַבִּי אַמִּי תַּלְמִיד דְּרַבִּי יוֹחָנָן הֲוָה, מַאי טַעְמָא תְּבַרֵיהּ? לָאו מִשּׁוּם דִּשְׁמִיעָא לֵיהּ מִינֵּיהּ דְּרַבִּי יוֹחָנָן דַּאֲמַר: מָלִיחַ – הֲרֵי הוּא כִּרוֹתֵחַ!

יָתִיב רַב כָּהֲנָא אֲחוּהּ דְּרַב יְהוּדָה קַמֵּיהּ דְּרַב הוּנָא, וְיָתִיב וְקָאָמַר: קְעָרָה שֶׁמָּלַח בָּהּ בָּשָׂר – אָסוּר לֶאֱכוֹל בָּהּ רוֹתֵחַ, וְצִנּוֹן שֶׁחָתָכוֹ בְּסַכִּין – מוּתָּר לֶאֱכֹל בִּכּוּתָּח.

Rav Kahana, the brother of Rav Yehuda, sat before Rav Huna, and he sat and said: With regard to **a bowl in which meat was salted, it is prohibited to eat** any **boiling** food placed **in it. And** he added: With regard to **a radish that one cut with a knife** used for cutting meat, it is **permitted to eat it with *kutaḥ*,**[B] a food that contains milk, even though the sharpness of the radish causes it to absorb the fat of the meat from the knife.

מַאי טַעְמָא? אָמַר אַבָּיֵי: הַאי – הֶיתֵּרָא בָּלַע, וְהַאי – אִיסּוּרָא בָּלַע.

The Gemara asks: **What is the reason** to distinguish between blood absorbed in a bowl and fat absorbed by the radish? **Abaye said: This** radish **absorbed a permitted** substance, as the fat on the knife is permitted for consumption by itself, **but that** bowl in which meat was salted **absorbed a prohibited** substance, i.e., blood.

אֲמַר לֵיהּ רָבָא: כִּי בָּלַע הֶיתֵּרָא, מַאי הֲוֵי? סוֹף סוֹף, הַאי הֶיתֵּרָא דְּאָתֵי לִידֵי אִיסּוּרָא הוּא, דְּאִיסּוּרָא קָאָכֵיל! אֶלָּא אֲמַר רָבָא: הַאי – אֶפְשָׁר לְמִטְעֲמֵיהּ, וְהַאי – לָא אֶפְשָׁר לְמִטְעֲמֵיהּ.

Rava said to Abaye: And **if** the radish **absorbed a permitted** substance, **what of it? Ultimately,** if one desires to eat the radish with *kutaḥ*, **it is a permitted** substance **that leads to a prohibition, as he** will **eat a prohibited** substance. **Rather, Rava said:** The distinction is that with regard to **this** radish, it is **possible** for a Jew **to taste it** before eating it with milk to see if it has acquired the flavor of meat. **But** with regard to **that** bowl, it is **not possible** for a Jew **to taste its** contents to see whether they have absorbed blood.

אֲמַר לֵיהּ רַב פַּפָּא לְרָבָא: וְלִיטְעֲמֵיהּ קְפִילָא אַרְמָאָה, מִי לָא תְּנַן, קְדֵרָה שֶׁבִּישֵּׁל בָּהּ בָּשָׂר – לֹא יְבַשֵּׁל בָּהּ חָלָב, וְאִם בִּשֵּׁל – בְּנוֹתֵן טַעַם. בִּשֵּׁל בָּהּ תְּרוּמָה – לֹא יְבַשֵּׁל בָּהּ חוּלִין, וְאִם בִּשֵּׁל בְּנוֹתֵן טַעַם.

Rav Pappa said to Rava: But let a gentile cook taste the contents of the bowl to see whether they have the taste of blood. **Didn't we learn** in the *Tosefta* (*Terumot* 8:12): With regard to **a pot in which one cooked meat, one may not cook milk in it, and if he cooked** milk in it, the meat absorbed in the pot renders the milk forbidden if it **imparts flavor** to the milk. Likewise, if one **cooked *teruma* in** the pot, **he may not cook non-sacred** food **in it, and if he cooked** non-sacred food in it, the non-sacred food is prohibited if there is sufficient *teruma* absorbed in the pot **to impart flavor** to the non-sacred food.

וְאָמְרִינַן: בִּשְׁלָמָא תְּרוּמָה – טָעִים לָהּ כֹּהֵן, אֶלָּא בָּשָׂר בְּחָלָב – מַאן טָעִים לָהּ? וַאֲמַר לָךְ לִיטְעֲמֵיהּ קְפִילָא. הָכִי נַמִּי – לִיטְעֲמֵיהּ קְפִילָא! הָכִי נַמִּי, כִּי קָאָמִינָא – דְּלֵיכָּא קְפִילָא.

And we said with regard to this *baraita*: **Granted,** one can know whether the non-sacred food has acquired the flavor of ***teruma*,** as **a priest can taste it. But** with regard to the prohibition of **meat** cooked **in milk, who can taste it? And** you, Rava, **said to us: Let** a gentile **cook taste it. So too** here, with regard to the food in the bowl, **let** a gentile **cook taste it.** Rava responded: **Indeed,** a gentile cook can discover whether the food in the bowl has absorbed the taste of blood. **When I said** my statement I was referring to a case **where there is no** gentile **cook** available.

§ **It was stated:** If **a fish was removed** from the fire and placed, still hot, **in a bowl** in which meat had been eaten, **Rav says: It is prohibited to eat** the fish **with** the milk dish ***kutaḥ*,** since the fish has absorbed meat from the bowl. **And Shmuel says: It is permitted to eat** the fish **with *kutaḥ*.**

אִיתְּמַר, דָּגִים שֶׁעָלוּ בִּקְעָרָה, רַב אָמַר: אָסוּר לֶאֱכָלָן בִּכּוּתָּח, וּשְׁמוּאֵל אָמַר: מוּתָּר לֶאֱכָלָן בִּכּוּתָּח.

HALAKHA

A bowl in which meat was salted – קְעָרָה שֶׁמָּלַח בָּהּ בָּשָׂר: If one salted meat in a vessel that was not perforated, one may not place boiling food into that vessel, even if the vessel was rinsed. Some say that one may not use that vessel even for cold food without first rinsing it. If one did use that vessel without rinsing it, one should rinse the food placed in it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:21; *Shulḥan Arukh*, *Yoreh De'a* 69:16 and *Shakh* there).

LANGUAGE

Bowl [*pinka*] – פִּינְכָּא: Possibly from the Greek πίναξ, *pinax*, one of whose meanings is a large dish.

BACKGROUND

***Kutaḥ* – כּוּתָּח:** *Kutaḥ* was a dip for bread served as an appetizer. It was made from whey, salt, and bread that had fermented to the point of moldiness. This dip was so sharp that it could be eaten only by the Babylonians, who were accustomed to it. In the Mishna, it is referred to as Babylonian *kutaḥ*.

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רַב אָמַר אָסוּר – נוֹתֵן טַעַם הוּא, וּשְׁמוּאֵל אָמַר מוּתָּר – נוֹתֵן טַעַם בַּר נוֹתֵן טַעַם הוּא.

The Gemara explains: **Rav says** that it is **prohibited** to eat the fish with *kutaḥ* because this **is** a case of **imparted flavor,** i.e., from the meat to the fish. **And Shmuel says** that it is **permitted** because the flavor is first imparted to the bowl, and only then from the bowl to the fish. This **is** therefore a case of **imparted flavor derived from imparted flavor.**[N]

וְהָא דְּרַב, לָאו בְּפֵירוּשׁ אִיתְּמַר אֶלָּא מִכְּלָלָא אִיתְּמַר. דְּרַב אִיקְּלַע לְבֵי רַב שִׁימִי בַּר חִיָּיא בַּר בְּרִיהּ, חֲשׁ בְּעֵינָיו, עֲבַדוּ לֵיהּ שָׁיְיפָא בְּצְעָא. בָּתַר הָכִי רְמוּ לֵיהּ בִּשּׁוּלָא בְּגַוָּוהּ, טְעִים לֵיהּ טַעֲמָא דְּשָׁיְיפָא, אֲמַר: יָהֵיב טַעֲמָא כּוּלֵי הַאי! וְלָא הֵיא, שָׁאנִי הָתָם – דְּנָפֵישׁ מְרָרָהּ טְפֵי.

The Gemara notes: **And this** opinion **of Rav was not stated explicitly; rather, it was stated by inference. As Rav arrived at the house of Rav Shimi bar Ḥiyya, the son of his son. He felt** pain **in his eyes, and they prepared for him an ointment in an earthenware bowl**[L] as a remedy. **Later they placed a dish for him in** that same bowl. Rav **tasted** in that dish **the flavor of the ointment** and **said: It imparts so much flavor!** Those present inferred that according to Rav, imparted flavor derived from imparted flavor is strong enough itself to impart flavor. The Gemara rejects this: **But** that **is not so,** and one cannot reach any general conclusions from this story. **It is different there, as** the ointment was **very bitter.**

רַבִּי אֶלְעָזָר הֲוָה קָאֵים קַמֵּיהּ דְּמָר שְׁמוּאֵל, אַיְיתוּ לְקַמֵּיהּ דָּגִים שְׁעָלוּ בְּקְעָרָה וְקָא אָכֵיל בְּכוּתָּח, יָהֵיב לֵיהּ וְלָא אָכַל. אֲמַר לֵיהּ: לְרַבָּךְ יְהִיבִי לֵיהּ – וְאָכַל, וְאַתְּ לָא אָכְלַתְּ? אֲתָא לְקַמֵּיהּ דְּרַב, אֲמַר לֵיהּ: חַד בְּיהּ מָר מִשְׁמַעְתֵּיהּ? אֲמַר לֵיהּ: חַס לֵיהּ לְזַרְעֵיהּ דְּאַבָּא בַּר אַבָּא דְּלִיסְפֵּי לִי מִידֵי וְלָא סְבִירָא לִי.

The Gemara relates: **Rabbi Elazar was standing before Mar Shmuel,** and **they brought before** Shmuel **a fish that had been removed** directly from the fire and placed **into a bowl** used previously for meat, **and he ate** it together **with *kutaḥ*.** Shmuel **gave** Rabbi Elazar some of this dish, **but** Rabbi Elazar **did not eat** it, as he was a student of Rav, who prohibited such mixtures. Shmuel **said to him: To your teacher,** Rav, **I gave** this dish **and he ate** from it, **yet you** will **not eat?** Later Rabbi Elazar **came before Rav,** and **said to him: Did** the **Master retract this *halakha*?** Do you permit this? Rav **said to him: God forbid that the progeny of Abba bar Abba,** i.e., Shmuel, **would feed me something that I do not hold** to be permitted.[N] Shmuel never fed me such a dish.

רַב הוּנָא וְרַב חִיָּיא בַּר אַשִׁי הֲווֹ יָתְבִי, חַד בְּהַאי גִּיסָא דְּמַבְרָא דְּסוּרָא, וְחַד בְּהַאי גִּיסָא דְּמַבְרָא. לְמָר אַיְיתוּ לֵיהּ דָּגִים שְׁעָלוּ בְּקְעָרָה וְאָכַל בְּכוּתָּח, לְמָר אַיְיתוּ לֵיהּ תְּאֵנִים וַעֲנָבִים בְּתוֹךְ הַסְּעוּדָה וְאָכַל וְלָא בֵּרֵיךְ.

The Gemara relates that **Rav Huna and Rav Ḥiyya bar Ashi were sitting** down to eat. **One** of them was sitting **on this side of the ford of** the **Sura** River, **and** the other **one** was sitting **on that side of the ford. They brought** one **Sage a fish that had been removed** from the fire and placed **into a bowl** previously used for meat, **and he ate** it together **with *kutaḥ*. They** also **brought** the other **Sage figs and grapes during the meal, and he ate** them **but did not recite** a separate **blessing** over them, even though these foods were usually consumed following the main portion of the meal before reciting Grace after Meals, and a separate blessing was made on them.

מָר אֲמַר לֵיהּ לְחַבְרֵיהּ: יְתָמָא! עֲבַד רַבָּךְ הָכִי?! וּמָר אֲמַר לֵיהּ לְחַבְרֵיהּ: יְתָמָא! עֲבַד רַבָּךְ הָכִי?! מָר אֲמַר לֵיהּ לְחַבְרֵיהּ: אֲנָא כִּשְׁמוּאֵל סְבִירָא לִי, וּמָר אֲמַר לֵיהּ לְחַבְרֵיהּ: אֲנָא כְּרַבִּי חִיָּיא סְבִירָא לִי. דְּתָנֵי רַבִּי חִיָּיא: פַּת פּוֹטֶרֶת כָּל מִינֵי מַאֲכָל, וְיַיִן פּוֹטֵר כָּל מִינֵי מַשְׁקִין.

One **Sage said to his colleague: Orphan!** Student without a teacher! **Would your teacher do this,** i.e., eat such fish with *kutaḥ*? **And** the other **Sage said to his colleague: Orphan! Would your teacher do this,** i.e., eat these fruits during a meal without reciting a blessing over them? One **Sage said to his colleague: I hold in accordance with** the opinion of **Shmuel,** who permits eating such fish with *kutaḥ*. **And** the other **Sage said to his colleague: I hold in accordance with** the opinion of **Rabbi Ḥiyya, as Rabbi Ḥiyya teaches:** The blessing over the **bread exempts all** the other **types of food**[H] eaten during a meal, including those usually eaten separately following bread, **and** likewise the blessing over **wine exempts all types of drinks.**[H]

NOTES

Imparted flavor derived from imparted flavor – נוֹתֵן טַעַם בַּר נוֹתֵן טַעַם הוּא: Some early commentaries explain that Shmuel is lenient only in a case where both the first imparting of flavor, e.g., from the meat to the bowl, and the second, e.g., from the bowl to the fish, involve no prohibited substance or mixture. The flavor is then so weak that even when mixed with milk it cannot give rise to a newly forbidden product. Foods that are already forbidden, such as non-kosher meat, render prohibited all foods to which they give flavor, even via other foods and vessels (Ran; *Tosafot* on *Zevaḥim* 96a).

God forbid that the progeny of Abba bar Abba would feed me something that I do not hold to be permitted – חַס לֵיהּ לְזַרְעֵיהּ דְּאַבָּא בַּר אַבָּא דְּלִיסְפֵּי לִי מִידֵי וְלָא סְבִירָא לִי: The commentaries explain that when Shmuel claimed to Rabbi Elazar to have fed Rav this dish, he was exaggerating somewhat, and meant that had he fed Rav the dish, Rav certainly would have eaten it. Alternatively, some commentaries suggest that when Shmuel told Rabbi Elazar that he fed Rabbi Elazar's teacher the dish, he was referring not to Rav, which is the interpretation of Rashi, but to a different teacher (Ritva; *Be'er Sheva*).

The commentaries state that if two Sages disagree as to whether a particular food item is permitted or forbidden, the one who permits it may serve it to the one who forbids it without notifying him of the questionable halakhic status of the food. Nevertheless, it must be self-evident to the recipient what type of food he is receiving. If the nature of the food cannot be discerned, one may not feed it to another who is of the opinion that it is forbidden without informing him, even with regard to food that is forbidden by rabbinic law, just as Rav stated emphatically that Shmuel would not have fed him an item that Rav himself believed was forbidden (Ritva on *Sukka* 26a).

LANGUAGE

Earthenware bowl [*tze'a*] – צְעָא: The *tze'a*, *tze'i* in plural, is an earthenware vessel that is similar to a plate or a flat dish.

HALAKHA

Bread exempts all the types of food – פַּת פּוֹטֶרֶת כָּל מִינֵי מַאֲכָל: Foods that are eaten as integral parts of a meal, e.g., cooked dishes that are eaten together with bread, require no blessing at all, as they are exempted by the blessing over bread: Who brings forth bread from the earth. Likewise, they do not require their own blessing after their consumption, as they are exempted by Grace after Meals. Fruits and the like, which are supplementary to a meal, require a blessing before, but not after, eating them (Rambam, *Sefer Ahava*, *Hilkhot Berakhot* 4:6; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 177:1).

And wine exempts all types of drinks – וְיַיִן פּוֹטֵר כָּל מִינֵי מַשְׁקִין: The blessing recited over wine exempts all other drinks from the requirement to recite a blessing either before or after drinking them, provided they were before him when he recited the blessing before drinking (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 174:2 and in the comment of Rema, and *Taz* there).

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אָמַר חִזְקִיָּה מִשּׁוּם אַבַּיֵי, הִלְכְתָא: דָּגִים שֶׁעָלוּ בִּקְעָרָה – מוּתָּר לֶאֱוֹכְלָן בִּכּוּתָּח, צְנוֹן שֶׁחֲתָכוֹ בְּסַכִּין שֶׁחָתַךְ בָּהּ בָּשָׂר – אָסוּר לֶאֱוֹכְלוֹ בִּכּוּתָּח.

Ḥizkiyya says in the name of Abaye: The ***halakha*** is: If **a fish was removed** from the fire and placed **into a bowl** used for meat, **it is permitted to eat** it together **with *kutaḥ*.**[H] But with regard to **a radish that one cut with a knife with which he had cut meat,**[H] **it is prohibited to eat** that radish **with *kutaḥ,*** contrary to Rav Kahana's statement above.

וְהָנֵי מִילֵּי צְנוֹן,

The Gemara notes: **And this statement** applies only to **a radish,**

HALAKHA

If a fish was removed and placed into a bowl used for meat, it is permitted to eat it with *kutaḥ* – דָּגִים שֶׁעָלוּ בִּקְעָרָה מוּתָּר לֶאֱוֹכְלָן בִּכּוּתָּח: If a fish was cooked or roasted in a meat pot that was washed thoroughly so that no fat adhered to it, one may eat it with *kutaḥ*. The reason is that this is a case involving imparted flavor of permitted food derived from imparted flavor of permitted food. According to the Rema, in this case one should be stringent and not eat the fish with dairy, and the leniency given here applies only to fish placed in a meat bowl. In a situation where the container was not washed thoroughly, if the fat on it is more than one-sixtieth of the volume of the fish, the fish may not be eaten with *kutaḥ* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:23; *Shulḥan Arukh*, *Yoreh De'a* 95:1).

A radish that one cut with a knife with which he had cut meat – צְנוֹן שֶׁחֲתָכוֹ בְּסַכִּין שֶׁחָתַךְ בָּהּ בָּשָׂר: With regard to a radish that one cut with a knife that had been used to cut meat within twenty-four hours, or that had not been cleaned, it is prohibited to eat it with milk. If he removes the thickness of a thumb's width or if he tastes the radish and it does not have the taste of meat, it is permitted after rinsing. Some say that the same is true even if it had not been used within twenty-four hours and had been cleaned. If one did not remove a thickness of a thumb's width or taste the radish, and then cooked it in milk, if the rest of the food is sixty times the area touched by the knife, the radish is permitted; otherwise it is prohibited. This *halakha* is in accordance with the opinion of Ḥizkiyya, citing Abaye (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:24; *Shulḥan Arukh*, *Yoreh De'a* 96:1).

Perek **VIII**
Daf **112** Amud **a**

דַּאֲגַב חוּרְפֵּיהּ בָּלַע, אֲבָל קִישׁוּת – גָּרִיר לְבֵי פְּסָקֵיהּ וְאָכֵיל.

as due to its sharpness it absorbs[N] the fat on the knife. **But** if one cut **a cucumber**[B] with the same knife, it does not absorb the fat to the same extent. One may therefore simply **scrape the place of the cut** to remove any fat residue, **and** then one may **eat**[H] the cucumber with *kutaḥ*.

קִילְחֵי דְּלִיפְתָּא – שָׁרֵי, דְּסִילְקָא – אֲסִירִי. וְאִי פָּתַךְ בְּהוּ דְּלִיפְתָּא – שַׁפִּיר דָּמֵי.

Likewise, **turnip stalks** cut with such a knife are **permitted** for consumption with *kutaḥ*. But **chard**[BH] cut with such a knife is **prohibited** for consumption with *kutaḥ,* as it absorbs flavor from the knife. **And if one alternated between** cutting chard **and turnip** stalks it is **permitted,**[H] as the turnip stalks nullify the taste of the meat in the knife.

NOTES

As due to its sharpness it absorbs – דַּאֲגַב חוּרְפֵּיהּ בָּלַע: Rashi explains that whereas the fish absorbs only meat flavor from the bowl, the knife has actual meat fat on it. This is because bowls that contained congealed fat are generally cleaned thoroughly, which is not the case with regard to a knife. Therefore, when one cuts a radish with that knife, the radish absorbs the actual fat on the knife. Rashi adds another difference between the two cases: The knife cuts via the exertion of pressure, which causes the radish to absorb to a greater extent than the absorption caused by the contact between the bowl and the fish.

HALAKHA

Cucumber, one may scrape the place of the cut and then one may eat – קִישׁוּת גָּרִיר לְבֵי פְּסָקֵיהּ וְאָכֵיל: If one cut a cucumber with a knife that had been used for cutting meat, it is permitted to eat the cucumber with milk by simply scraping the place of the cut, which is less than the amount removed when one is required to peel it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:24; *Shulḥan Arukh*, *Yoreh De'a* 96:5 and *Shakh* there).

Chard – סִילְקָא: If one cut chard with a knife that had been used to cut meat within twenty-four hours, or with a knife that had not been cleaned, it is prohibited to eat the chard with milk, unless one removes the thickness of a thumb's width from the chard, or he tastes the chard and it does not have the flavor of meat. In those cases, the chard is permitted after rinsing. Some say that the *halakha* is the same even if had not been used within twenty-four hours and had been cleaned. If one did not remove the thickness of a thumb's width or taste it, and cooked the chard in milk, the chard must be sixty times the size of the portion of the knife blade that touched the chard; otherwise it is prohibited (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:24; *Shulḥan Arukh*, *Yoreh De'a* 96:1).

And if one alternated between cutting chard and turnip stalks it is permitted, etc. – וְאִי פָּתַךְ בְּהוּ דְּלִיפְתָּא שַׁפִּיר דָּמֵי וכו': If one cut a turnip with a knife that had been used for cutting meat, it is not even necessary to scrape the place of the cut. Rather, one merely rinses the turnip. Furthermore, if one cut a radish after the turnip, one may eat that radish after rinsing, like the turnip, as the taste of the turnip negates the flavor emitted by the knife. The Rema writes that even in that case, one may use it to cut a radish only once, unless he cuts the turnip between each and every slicing of radish (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:24; *Shulḥan Arukh*, *Yoreh De'a* 96:1).

BACKGROUND

Cucumber – קִישׁוּת: The cucumber, *Cucumis chate*, is a summer fruit of the Cucurbitaceae family, and is a species of gourd. It is called *melafefon* in modern Hebrew. The fruit is up to 80 cm long, narrow, and it can be bent or twisted.

Chard – סִילְקָא: Chard, *Beta vulgaris*, is a common, garden-variety vegetable from the Chenopodiaceae family. Growing annually, its large, succulent leaves that grow from 15 to 20 cm in length are eaten cooked and have a similar taste to spinach. Each time a portion of its leaves are trimmed they grow back larger. Today, its leaves are commonly used as bird feed.



Chard

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BACKGROUND

Kamka – כַּמְכָּא: Apparently from the Middle Persian kamak, meaning a type of gruel or soup. The Sages use it as another name for *kutaḥ*.

Pashronya – פַּשְׁרוֹנְיָא: This is a Babylonian city renowned for its Sages, especially Rava of Pashronya. This Rava is not the famous *amora* of the same name, who was from Meḥoza, which was probably not far from Pashronya. Rava of Pashronya's sons include Rav Hamnuna and Rav Ḥinnana, mentioned here. It is also known that Rav Ika would discuss matters of *halakha* with Rava of Pashronya.

LANGUAGE

Cracks [*pilei*] – פִּילֵי: Apparently from the Hebrew word *pilḥei*. In Babylonian Aramaic, many guttural letters are dropped, and the word took on this form. Its meaning is crevices or cracks.

בְּעָא מִינֵּיהּ רַב דִּימִי מֵרַב נַחְמָן: מַהוּ לְאַנּוּחֵי כַּדָּא דְּמַלְחָא גַּבֵּי כַּדָּא דְּכַמְכָּא? אֲמַר לֵיהּ: אָסוּר. דְּחַלָּא מַאי? אֲמַר לֵיהּ: שָׁרֵי.

§ **Rav Dimi inquired of Rav Naḥman: What is** the *halakha* with regard **to placing a jug of salt,** used to salt meat, **alongside a jug of *kamka*,**[B] i.e., *kutaḥ*,[H] a milk dish? Need one be concerned lest some of the *kutaḥ* fall on the salt without his knowledge and ultimately contaminate his meat? Rav Naḥman **said to him: It is prohibited** to place the two jugs next to each other. Rav Dimi further inquired: **What** is the *halakha* with regard to a similar case involving a jug **of vinegar** used to season meat?[H] Need one be concerned lest the *kutaḥ* fall into the vinegar? Rav Naḥman **said to him: It is permitted** to place these two jugs next to each other.

וּמַאי שְׁנָא? לְכִי תֵּיכּוֹל עֲלָהּ כּוֹרָא דְּמִלְחָא! מַאי טַעְמָא – הַאי אִיתֵיהּ אִיסּוּרָא בְּעֵינֵיהּ, וְהַאי לֵיתֵיהּ אִיסּוּרָא בְּעֵינֵיהּ.

Rav Dimi asked: **And what is different** about the vinegar? Rav Naḥman responded: **When you** have thought **about it** long enough to **eat a *kor* of salt,** you will know the reason. The Gemara clarifies: **What is the reason** then? In **this** case of the salt, **the prohibited** substance **is substantive,** as the traces of *kutaḥ* are discernible and not nullified by the salt. **But** in **that** case of the vinegar, **the prohibited** substance **is not substantive,** since the *kutaḥ* melts away in the vinegar and will no longer impart flavor.

הַהוּא בַּר גּוֹזְלָא דִּנְפַל לְכַדָּא דְּכַמְכָּא, שָׁרְיֵיהּ רַב חִינָּנָא בְּרֵיהּ דְּרָבָא מִפַּשְׁרוֹנְיָא. אֲמַר רָבָא: מַאן חַכִּים לְמִישְׁרֵי כִּי הַאי גַּוונָא, אִי לָאו רַב חִינָּנָא בְּרֵיהּ דְּרָבָא מִפַּשְׁרוֹנְיָא! קָסָבַר: כִּי אֲמַר שְׁמוּאֵל מָלִיחַ הֲרֵי הוּא כִּרוֹתֵיהּ, הָנֵי מִילֵּי – הֵיכָא דְּאֵינוֹ נֶאֱכָל מֵחֲמַת מִלְחוֹ, אֲבָל הַאי כּוּתְחָא – הֲרֵי נֶאֱכָל מֵחֲמַת מִלְחוֹ.

The Gemara relates: There was **a certain young bird that fell into a jug of *kamka,*** i.e., *kutaḥ*. **Rav Ḥinnana, son of Rava of** the city of **Pashronya,**[B] **permitted** the bird. **Rava said** about this: **Who is wise** enough **to** discern reasons to **permit** the food in difficult **cases like this, if not Rav Ḥinnana, son of Rava of Pashronya? He maintains** that **when Shmuel said** that **a salted** food imparts flavor **like a boiling** food, **that statement** applies only to a food so salty **that it is not eaten due to its salt,**[H] **but this *kutaḥ*** can still be **eaten due to,** i.e., despite, **its salt.** Therefore, it is as if both foods are cold and unsalted, and they do not impart flavor to one another, provided one rinses the area of contact.

וְהָנֵי מִילֵּי – חַי, אֲבָל צָלִי – בְּעֵי קְלִיפָה. וְאִי אִית בֵּיהּ פִּילֵי – כּוּלֵּיהּ אָסוּר, וְאִי מְתַבֵּל בְּתַבְלִין – כּוּלֵּיהּ אָסוּר.

The Gemara adds: **And this statement** applies only if the bird is **raw, but** if it is **roasted,**[H] **it requires peeling** to remove the outer layer, since roasting softens the meat and causes it to absorb more flavor. **And if it has cracks** [*pilei*],[L] **it is entirely forbidden,** because the milk is absorbed into the cracks. **And if it has been flavored with spices it is** likewise **entirely forbidden,** because the spices soften the meat and render it absorbent.

HALAKHA

Placing a jug of salt used to salt meat alongside a jug of *kamka* – לְאַנּוּחֵי כַּדָּא דְּמַלְחָא גַּבֵּי כַּדָּא דְּכַמְכָּא: One should not place a vessel that contains *kutaḥ* alongside a jug of salt, in accordance with the opinion of Rav Naḥman. The Rema writes that this *halakha* applies only if the vessels are uncovered, due to the concern that some of the *kutaḥ* might fall on the salt and one will later use that salt for a meat dish. This ruling is in accordance with the explanation of this passage given by the majority of the early commentaries, and is not in accordance with the interpretation of the Rambam, who says that the concern is that the flavor of the *kutaḥ* is drawn by the container of salt. If one did place the two types of vessels alongside one another, they are permitted, and one need not be concerned that some *kutaḥ* might have fallen on the salt (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:25; *Shulḥan Arukh*, *Yoreh De'a* 95:5).

Of vinegar – דְּחַלָּא: It is permitted to place a vessel that contains *kutaḥ* alongside a vessel in which there is vinegar (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:25; *Shulḥan Arukh*, *Yoreh De'a* 95:5).

That it is not eaten due to its salt, etc. – הֵיכָא דְּאֵינוֹ נֶאֱכָל מֵחֲמַת מִלְחוֹ וכו׳: Excessively salted raw meat has the halakhic status of a boiling item, which will absorb substances from and impart substances to a food item with which it comes in contact. Meat has this status when it is so salty that it cannot be eaten. Some commentaries maintain that once the meat has been left salted for the amount of time it takes for salt to draw out blood, it no longer has this status (Rema, citing *Tosafot* and Rosh). The Rema writes that in a situation of great need, e.g., if one would suffer a great loss and the food is required for a mitzva celebration, one may rely on the lenient opinion.

Even if the meat was not salted on both sides but on one side alone, if it is too salty to be eaten, then it has the same status as a boiling dish. If it is less salted than that, it is considered like a cold dish, even if it was salted on both sides. According to some commentaries, people today are not experts in this matter, and therefore even a dish salted lightly in preparation for roasting should be treated as a boiling dish. The Rema states that it is proper to be stringent unless this would result in a great loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:18; *Shulḥan Arukh*, *Yoreh De'a* 91:5).

And this statement applies only if the bird is raw but if it is roasted, etc. – וְהָנֵי מִילֵּי חַי אֲבָל צָלִי וכו׳: The difference in *halakha* between meat that can be eaten despite its saltiness and a dish that is too salty to be eaten applies only to raw meat. By contrast, if boiling hot, roasted meat fell into a salted dish, even if the salted dish is fit to be eaten, it requires peeling. If it has cracks, or is flavored with spices, and is a boiling hot roasted, baked, or cooked dish (Rema), it is entirely forbidden. The Rema notes that according to some authorities this is the *halakha* even if the meat is cold, and one should be stringent in this regard unless he would suffer a great loss (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:19; *Shulḥan Arukh*, *Yoreh De'a* 91:7).

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אָמַר רַב נַחְמָן, אָמַר שְׁמוּאֵל: כִּכָּר שֶׁחָתַךְ עָלֶיהָ בָּשָׂר – אָסוּר לְאָכְלָהּ. וְהָנֵי מִילֵּי – דְּאַסְמִיק, וְהָנֵי מִילֵּי – דְּאַבְרֵיהּ, וְהָנֵי מִילֵּי – דְּאַסְמְכֵיהּ, אֶבָל קְלִישְׁתָּא – לֵית לָן בָּהּ.

Rav Naḥman said that **Shmuel says: It is prohibited to eat a loaf** of bread **upon which one cut** unsalted roasted **meat,**[H] since the blood expelled from the roasted meat is absorbed in the loaf. The Gemara adds: **And this statement** applies only **if** the meat **is ruddy** from the blood it contains. **And** furthermore, **this statement** applies only **if** so much blood was absorbed in the loaf that **it passed through** from one side of the loaf to the other and was visible from both sides. **And** furthermore, **this statement** applies only **if** the liquid emitted by the roasted meat **is viscous. But** if it is **runny, we have no** problem **with it,** i.e., the loaf is permitted.

שְׁמוּאֵל שָׁדֵי לֵיהּ לְכַלְבֵּיהּ, רַב הוּנָא יָהֵיב לֵיהּ לְשַׁמָּעֵיהּ. מַה נַּפְשָׁךְ, אִי שָׁרֵי – לְכוּלֵּי עָלְמָא שָׁרֵי, אִי אָסוּר – לְכוּלֵּי עָלְמָא אָסוּר! שָׁאנֵי רַב הוּנָא – דַּאֲנָנָא דַּעְתֵּיהּ. רָבָא אָכֵיל לֵיהּ, וְקָרֵי לֵיהּ "חֲמַר בָּשָׂר".

The Gemara relates: **Shmuel would throw to his dog** such a loaf of bread that he held was prohibited. **Rav Huna** would not eat the loaf himself but **would** rather **give it to his attendant.** The Gemara objects: **Whichever way you** look at it, Rav Huna's behavior is problematic: **If** the loaf **is permitted, it is permitted for everyone,** including Rav Huna himself. And **if it is prohibited, then it is prohibited for everyone,** and he should not give it to his attendant. The Gemara explains: In fact, the loaf is permitted for consumption, and **Rav Huna is different, as he is of delicate constitution** and did not want to eat the loaf himself. The Gemara further relates: **Rava would eat** a loaf of this type, **and he would call** the red liquid **meat wine.**

אָמַר רַב נַחְמָן, אָמַר שְׁמוּאֵל: אֵין מַנִּיחִין כְּלִי תַּחַת בָּשָׂר, עַד שֶׁיִּכְלֶה כָּל מַרְאֵה אַדְמוּמִית שֶׁבּוֹ. מְנָא יָדְעִינַן? מָר זוּטְרָא מִשְּׁמֵיהּ דְּרַב פַּפָּא אָמַר: מִשֶּׁתַּעֲלֶה תִּימְרָתוֹ.

Rav Naḥman says that **Shmuel says: One may not place a vessel under** roasting **meat** to catch the drippings of fat **until all the ruddiness of** the meat's **appearance has dissipated.**[H] Beforehand, though, one must be concerned that blood will fall with the drippings into the vessel, rendering the mixture and the vessel prohibited. The Gemara asks: **How do we know** when all the meat's redness has disappeared? **Mar Zutra said in the name of Rav Pappa: As soon as its smoke rises,**[N] one can be sure that all the blood has been expelled from the meat.

מַתְקִיף לָהּ רַב אַשִׁי: וְדִלְמָא, תַּתָּאָה מְטָא, עִילָּאָה לָא מְטָא? אֶלָּא אָמַר רַב אַשִׁי: לֵית לֵיהּ תַּקָּנְתָּא אֶלָּא – מִשְׁדָּא בֵּיהּ תַּרְתֵּי גְּלֵילֵי מִלְחָא,

Rav Ashi objects to this: But perhaps the underside of the meat, which is closest to the coals, has been fully **roasted,** but its **upper** part is still **not roasted** and still expels blood at this stage. **Rather, Rav Ashi said:** One who wishes to collect the drippings **has no remedy except** to **place two lumps of salt in it,** i.e., one in the receptacle under the meat and one on top, in the meat itself.

HALAKHA

A loaf of bread upon which one cut roasted meat – כִּכָּר שֶׁחָתַךְ עָלֶיהָ בָּשָׂר: If roasted, unsalted meat was cut over a loaf of bread, even if the bread has a ruddy appearance, it is permitted if the meat was roasted to the extent that it was fit to be eaten by most people, i.e., half-roasted. The juice that comes out of such meat is likewise permitted, even if it is not absorbed by bread (Rema). This ruling is in accordance with the opinion of Rava (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:16; *Shulḥan Arukh*, *Yoreh De'a* 76:5).

Until all the ruddiness of the meat's appearance has dissipated – עַד שֶׁיִּכְלֶה כָּל מַרְאֵה אַדְמוּמִית שֶׁבּוֹ: With regard to meat that is roasted without first being salted, one may not place a vessel under such meat to catch the fat that drips from it, unless it has already roasted to the extent that it is fit to be eaten (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:15; *Shulḥan Arukh*, *Yoreh De'a* 76:6).

NOTES

As soon as its smoke rises – מִשֶּׁתַּעֲלֶה תִּימְרָתוֹ: According to some commentaries, the smoke is referring to the steam rising from the roasting meat after it has expelled all the blood (Rashi). Alternatively, the Gemara is referring to smoke rising from the coals upon which the meat is roasting. As long as the blood drips onto the coals, they do not produce smoke, but when all the blood has been expelled from the meat and it starts to emit its fats, their dripping assists the burning of the coals and causes smoke to rise (Rashi, citing his teacher).

Perek **VIII**
Daf **112** Amud **b**

וּמְשַׁפֶּיהּ.

Doing this will allow the blood dripping from the meat to stick to the salt on the sides of the vessel, while the fat will float to the top. **And** when emptying the receptacle, he should **tilt it** gently to pour the fat into another vessel without it mixing with the blood.

אָמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא לְרַב אַשִׁי: וּמִי אָמַר שְׁמוּאֵל הָכִי? וְהָאָמַר שְׁמוּאֵל כִּכָּר שֶׁחָתַךְ עָלֶיהָ בָּשָׂר – אָסוּר לְאָכְלָהּ! שָׁאנֵי הָתָם, דַּאֲגַב דּוּחֲקָא דְּסַכִּינָא פָּלֵיט.

Rav Aḥa, son of Rav Ika, said to Rav Ashi: And did Shmuel really **say this,** that once the meat's ruddiness has dissipated it is permitted to place a receptacle underneath it? **But didn't Shmuel say: It is prohibited to eat a loaf** of bread **upon which one cut** roasted **meat?** Apparently he holds that meat contains blood even after it has finished roasting. Rav Ashi replied: Shmuel holds that the meat no longer emits blood after its ruddiness has dissipated. And as for his ruling with regard to a loaf of bread, it **is different there, as due to the pressure of the knife** the meat **expels** more blood.

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אָמַר רַב נַחְמָן: דָּגִים וְעוֹפוֹת שֶׁמְּלָחָן זֶה עִם זֶה – אֲסוּרִין. הֵיכִי דָּמֵי? אִי בִּכְלִי שֶׁאֵינוֹ מְנוּקָּב – אֲפִילּוּ עוֹפוֹת וְעוֹפוֹת נַמִּי אֲסִירִי! אִי בִּכְלִי מְנוּקָּב – אֲפִילּוּ דָּגִים וְעוֹפוֹת נַמִּי שָׁרֵי!

§ **Rav Naḥman says:** If **one salted fish and birds together,**[H] the fish **are prohibited**[N] for consumption due to the blood they absorb from the birds. The Gemara asks: **What are the circumstances** of this ruling? **If** they were placed **in an unperforated vessel,** in which the blood emitted by the birds will pool, then **even** if one salted **a bird and** another **bird** together they should be **prohibited,** as the blood expelled from one bird will be absorbed by the other. And **if** the case involves **a perforated vessel,** out of which the blood can flow, then **even** if **fish** are salted with **birds** the fish should be **permitted.**

לְעוֹלָם – בִּכְלִי מְנוּקָּב, וְדָגִים מִשּׁוּם דְּרָפוּ קְרָמַיְיהוּ קָדְמֵי וּפָלְטֵי, וְעוֹפוֹת קָמִיטִי, בָּתַר דְּנַיְחִי דָּגִים פְּלִיטִי עוֹפוֹת, וַהֲדַר בָּלְעִי מִינַּיהּ.

The Gemara answers: **Actually,** the ruling is referring **to a perforated vessel. And** the **fish** are prohibited **because their skin is soft,** and therefore when they are salted **they expel** their blood **first, whereas** the skin of **birds** is **hard. After** the **fish finish** expelling their blood, the **birds** continue to **expel** their blood, **and then** the fish **absorb** blood **from them.** If one salts two birds together, they expel their blood simultaneously, and neither will absorb blood from outside while expelling its own.

רַב מָרִי בַּר רָחֵל אִימְלַח לֵיהּ בְּשַׂר שְׁחוּטָה בַּהֲדֵי בְּשַׂר טְרֵפָה, אֲתָא לְקַמֵּיהּ דְּרָבָא,

The Gemara relates: **Meat of a slaughtered** animal **was salted for Rav Mari bar Raḥel**[P] **together with** prohibited **meat of an animal that had a wound that would have caused it to die within twelve months** [***tereifa***]**,** in a perforated vessel, as meat is generally salted. **He came before Rava** to ask whether the kosher meat was prohibited, as perhaps it would not have absorbed flavor from the non-kosher meat while itself expelling blood.

אֲמַר לֵיהּ: ״הַטְּמֵאִים״ – לָאֱסוֹר צִירָן וְרוֹטְבָן וְקִיפָּה שֶׁלָּהֶן.

Rava **said to him:** When the verse states, with regard to forbidden foods: "These are **the unclean** to you" (Leviticus 11:31), the added definite article serves **to prohibit** not only their flesh but also **their juice** emitted by salting, **and their gravy, and their spices**[NH] with which they are cooked. Even while the kosher meat is emitting its blood, it still absorbs the juices of the non-kosher meat, which are absorbed more easily than blood.

NOTES

If one salted fish and birds together the fish are prohibited – דָּגִים וְעוֹפוֹת שֶׁמְּלָחָן זֶה עִם זֶה אֲסוּרִין: The early commentaries dispute the extent of this prohibition of the fish. Some say that the fish are entirely prohibited (Ramban), while others claim that one must remove a thumb's width of the part that came into contact with the birds, but the rest of the fish is permitted (Ra'ah). Yet others are even more lenient and claim that one is merely required to peel off a layer from the fish (Rosh; *Shulḥan Arukh*, *Yoreh De'a* 70:1). If the scales of the fish had not been removed when they were salted with the birds, then the fish are entirely permitted.

The unclean, to prohibit their juice and their gravy and their spices – הַטְּמֵאִים לָאֱסוֹר צִירָן וְרוֹטְבָן וְקִיפָּה שֶׁלָּהֶן: This prohibition does not apply to the juice, gravy, and spices of non-kosher fish, as they are not called "unclean" but "detestable" (*Kehillot Ya'akov*; see Leviticus 11:12). Some of the early commentaries maintain that even the juices of an unslaughtered animal carcass and a *tereifa* are prohibited by rabbinic law, not Torah law (Mordekhai; *Shita Mekubbetzet*).

HALAKHA

If one salted fish and birds together – דָּגִים וְעוֹפוֹת שֶׁמְּלָחָן זֶה עִם זֶה: It is prohibited to salt fish together with meat, including the meat of birds, as fish expel all their juices before the birds expel their blood. If one did salt them together, the birds are permitted but the outer layer of the fish must be removed. If the scales of the fish had not been removed when they were salted, the fish are permitted, as the scales are considered like their outer layer. Some prohibit the fish entirely unless they were sixty times the size of the birds, and this is the accepted *halakha*. Even according to this opinion, if they have scales they are permitted, as they do not expel immediately and therefore they do not absorb blood from the birds (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:16; *Shulḥan Arukh*, *Yoreh De'a* 70:1 and in the comment of Rema, and Gra there).

To prohibit their juice and their gravy and their spices – לָאֱסוֹר צִירָן וְרוֹטְבָן וְקִיפָּה שֶׁלָּהֶן: If meat of a slaughtered animal was salted with meat of a *tereifa*, or if salted meat of a *tereifa* and unsalted kosher meat were touching each other, one must remove the outer layer from the kosher meat. The reason is that the kosher meat absorbs juices from the *tereifa* meat. If the kosher meat was salted and the meat of the *tereifa* unsalted, the kosher meat is permitted after rinsing, whether it was on top or underneath the meat of the *tereifa*. Some prohibit the kosher meat if the two pieces of meat were in actual contact, and permit the kosher meat only if the pieces were not touching, but were close enough for their emissions to touch each other. In that case, the kosher meat is permitted even without rinsing. According to this opinion, even if they were not touching, the kosher meat is prohibited if the meat of the *tereifa* was salted and the kosher meat unsalted (Rema). With regard to the practical *halakha*, some are stringent in accordance with the second opinion, and allow ruling leniently only if a great loss were to result, whereas the *Shulḥan Arukh* rules leniently in accordance with the first opinion (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:34; *Shulḥan Arukh*, *Yoreh De'a* 70:3 and *Shakh* there).

PERSONALITIES

Rav Mari son of the daughter of Shmuel – רַב מָרִי בְּרֵיהּ דְּבַת שְׁמוּאֵל: This is a fourth-generation Babylonian *amora*, Rav Mari, the son of Raḥel, who was the daughter of the *amora* Shmuel. His unconventional appellation is explained by the history of Shmuel's family. The daughters of the *amora* Shmuel were taken into captivity. One of them, Raḥel, was captured by a gentile soldier, who later converted and married her. He became known as Issur Giyora, Issur the Convert, and he served as a confidant of the prominent Jewish leaders of the generation in Babylonia.

Even though his father had already converted before he was born, Rav Mari is generally mentioned without a patronymic because his mother came from a very prestigious family. There are several instances in the Talmud where Sages are called by the names of their famous mothers who hail from distinguished families, even when their father's identity would cast no aspersion on their lineage. Rav Mari was apparently wealthy and engaged in commerce. He was also a significant Torah scholar and was appointed to a lofty position in the court in Babylonia. Rav Mari had three sons, all of whom were Torah scholars: Rav Aḥa Sava, Mar Zutra, and Rava bar Rav Mari.

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וְלֵימָא לֵיהּ מִדִּשְׁמוּאֵל, דַּאֲמַר שְׁמוּאֵל: מָלִיחַ – חֲרִי הוּא כִּרְוֹתַח, וְכָבוּשׁ – חֲרִי הוּא כִּמְבוּשָׁל!

The Gemara objects: **But let** Rava **say to** him the same ruling by instead citing the seemingly more relevant statement **of Shmuel, as Shmuel said: A salted** food imparts its flavor **like a boiling** food, **and a marinated** food **is** as absorbent **as a cooked** food. Clearly, the kosher meat absorbed flavor from the meat of the *tereifa* as it would have had they been cooked together.

אִי מִדִּשְׁמוּאֵל, הֲוָה אָמִינָא: הָנֵי מִילֵּי – דָּמָן, אֲבָל צִירָן וְרוֹטְבָן – לָא, קָמַשְׁמַע לָן.

The Gemara explains: **Had** Rava based his ruling only **on Shmuel's** statement, **I would say** in response: **This statement** applies only to the absorption of **the blood of** the meat, **but** kosher meat is **not** prohibited if it absorbs only **the juices and gravy of** the meat of the *tereifa*. Since in this case the meat is salted in a perforated vessel, the blood from each piece runs out and is not absorbed by the other, and one might think that the kosher meat remains permitted. Rava's interpretation of the verse in Leviticus **teaches us** that the juices and gravy of the meat of the *tereifa* must also be taken into account.

מֵיתִיבִי: דָּג טָהוֹר שֶׁמָּלְחוֹ עִם דָּג טָמֵא – מוּתָּר, מַאי לָאו שֶׁהָיוּ שְׁנֵיהֶן מְלוּחִין? לָא, כְּגוֹן שֶׁהָיָה טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל.

The Gemara **raises an objection** from a *baraita*: **A kosher fish that one salted** together **with a non-kosher fish is permitted. What, is it not** referring to a case **where they were both salted** and expel juices? This indicates that the kosher fish is not prohibited by the juices of the non-kosher fish, contrary to Rava's statement. The Gemara responds: **No,** this is referring to a case **where** the **kosher** fish was **salted and** the **non-kosher** fish was **unsalted.** Since an unsalted fish does not emit juices, the kosher fish does not absorb the flavor of the non-kosher fish.

וְהָא מִדְּקָתָנֵי סֵיפָא אֲבָל אִם הָיָה טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל, מִכְּלָל דִּרֵישָׁא בְּשֶׁשְּׁנֵיהֶם מְלוּחִין עָסְקִינַן! פֵּרוּשֵׁי קָא מְפָרֵשׁ, טָהוֹר שֶׁמָּלְחוֹ עִם דָּג טָמֵא – מוּתָּר. כֵּיצַד – שֶׁהָיָה טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל.

The Gemara challenges: **But from** the fact **that the latter clause teaches: But if** the **kosher** fish **was salted and** the **non-kosher** fish was **unsalted** the kosher fish remains permitted, **it may be inferred that** in **the first clause we are dealing with** a case **where they are both salted.** The Gemara responds: The latter clause **is explaining** the *halakha* of the first clause. The *baraita* should be read as follows: **A kosher** fish **that one salted** together **with a non-kosher fish is permitted. How so?** This is the *halakha* **if** the **kosher** fish **was salted and** the **non-kosher** fish was **unsalted.**

הָכִי נַמִּי מִסְתַּבְּרָא, דְּאִי סָלְקָא דַּעְתָּךְ רֵישָׁא שְׁנֵיהֶם מְלוּחִים, הָשְׁתָּא שְׁנֵיהֶם מְלוּחִים – שָׁרֵי, טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל מִיבָּעֵיָא!

The Gemara notes: **So, too, it is reasonable** that this is the meaning of the *baraita*, **as if it enters your mind** that **the first clause** is referring to a case where **both of them are salted,** one can claim: **Now** that the *baraita* has stated that even if **both of them are salted** the kosher fish is **permitted, is** it **necessary** to state that the same applies in the less problematic case where the **kosher** fish was **salted and** the **non-kosher** fish was **unsalted?**

אִי מִשּׁוּם הָא – לָא אִירְיָא, תָּנָא סֵיפָא לְגַלּוּיֵי רֵישָׁא, דְּלָא תֵּימָא: רֵישָׁא טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל, אֲבָל שְׁנֵיהֶם מְלוּחִין – אָסוּר. תָּנָא סֵיפָא טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל, מִכְּלָל דִּרֵישָׁא שְׁנֵיהֶן מְלוּחִין, וַאֲפִילּוּ הָכִי שָׁרֵי.

The Gemara rejects this: **If it is due to that** reason, **there is no** conclusive **argument.** It is possible that the first clause of the *baraita* is indeed referring to a case where both fish are salted, and the *tanna* of the *baraita* nevertheless **taught the latter clause to shed light on the first clause,** so **that you** should **not say: The first clause** is referring only to a case where the **kosher** fish was **salted and** the **non-kosher** fish was **unsalted, but** if they were **both salted,** then the kosher fish is **prohibited.**[N] To rule this out, he **taught the latter clause,** which explicitly makes reference to a case where the **kosher** fish was **salted and** the **non-kosher** fish **unsalted,** which **by inference** indicates **that the first clause** is referring to a case where they are **both salted, and** teaches that **even so** the kosher fish is **permitted.**

תָּא שְׁמַע מִסֵּיפָא דְּסֵיפָא: אֲבָל אִם הָיָה טָמֵא מָלִיחַ וְטָהוֹר תָּפֵל – אָסוּר, טָמֵא מָלִיחַ וְטָהוֹר תָּפֵל – הוּא דְּאָסוּר, הָא שְׁנֵיהֶן מְלוּחִין – שָׁרֵי!

The Gemara further suggests: **Come** and **hear** proof against Rava's ruling **from the latter clause of the latter clause,** i.e., the third clause of that *baraita*: **But if** the **non-kosher** fish **was salted and** the **kosher** fish was **unsalted,** the kosher fish is **prohibited.** One can infer from here that **it is** only if the **non-kosher** fish is **salted and** the **kosher** fish is **unsalted that** the kosher fish is **prohibited. But** if they were **both salted,** then the kosher fish is **permitted,** contrary to Rava's ruling.

NOTES

But if they were both salted then the kosher fish is prohibited – אֲבָל שְׁנֵיהֶם מְלוּחִין אָסוּר: Some commentaries write that according to this suggestion of the Gemara, the kosher fish is entirely prohibited, as it is considered like a boiling dish due to the abundance of salt. Therefore, just as cooking the two kinds of fish together renders the kosher fish prohibited in its entirety, so too, salting the two kinds of fish together renders the kosher fish entirely prohibited (Ramban). Others maintain that one must remove only a thumb's width of the portion that touched the other fish (Ra'ah). A third explanation is that it requires only the removal of the outer layer (Ran).

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אַיְידֵי דְּתָנָא רֵישָׁא טָהוֹר מָלִיחַ וְטָמֵא תָּפֵל, תָּנָא נַמִּי סֵיפָא טָמֵא מָלִיחַ וְטָהוֹר תָּפֵל.

The Gemara rejects this: Perhaps the last section of the *baraita* uses this language only **since** it **teaches** in **the former clause,** i.e., the second clause: If the **kosher** fish was **salted and** the **non-kosher** fish **unsalted,** etc. The *baraita* therefore **taught the last clause as well** using parallel language: If the **non-kosher** fish was **salted and** the **kosher** fish **unsalted,** etc. But nothing can be derived from here with regard to a case where both fish were salted.

(סִימָן: בִּישְׁרָא דְּמַנַּח נַפְקוּתָא).

§ The Gemara provides **a mnemonic** for remembering the three *halakhot* stated by Shmuel below: The manner in which blood is expelled from **meat;** salted meat **that is placed** on a vessel; an animal whose neck is broken before its soul **departs.**

אָמַר שְׁמוּאֵל: אֵין הַבָּשָׂר יוֹצֵא מִידֵי דָּמוֹ אֶלָּא אִם כֵּן מוֹלְחוֹ יָפֶה יָפֶה, וּמְדִיחוֹ יָפֶה יָפֶה. אִיתְּמַר, רַב הוּנָא אָמַר: מוֹלֵחַ וּמְדִיחַ, מֵדִיחַ וּמוֹלֵחַ. בְּמַתְנִיתָא תָּנָא: מֵדִיחַ וּמוֹלֵחַ וּמֵדִיחַ. וְלָא פְּלִיגִי, הָא – דַּחֲלַלֵיהּ בֵּי טַבָּחָא, הָא – דְּלָא חֲלַלֵיהּ בֵּי טַבָּחָא. רַב דִּימִי מִנְּהַרְדְּעָא מְלַח לֵיהּ בְּמִילְחָא גְּלָלְנִיתָא, וּמְנַפֵּיץ לֵיהּ.

Shmuel says: Meat cannot be rid of its blood unless one salts it thoroughly[H] **and rinses it thoroughly** in water. **It was stated: Rav Huna says:** One must **salt and rinse** the meat in water. And it **was taught in a *baraita*:** One must **rinse** the meat, **and salt** it, **and** then **rinse** it again.[N] The Gemara adds: **And** these two rulings **do not disagree. This** ruling of Rav Huna is referring to a case **where one** already **washed** the meat **in the slaughterhouse** before salting, whereas **that** *baraita* is referring to a case **where one did not wash** the meat **in the slaughterhouse.** The Gemara relates: **Rav Dimi of Neharde'a would salt** meat **with coarse**[L] **salt and** then **shake** the salt off the meat.[H]

אָמַר רַב מְשַׁרְשִׁיָא: אֵין מַחֲזִיקִין דָּם בִּבְנֵי מֵעַיִם, תִּרְגְּמָא – אַכַּרְכְּשָׁא וּמֵעָיָא וְהַדְּרָא דְּכַנְתָּא.

Rav Mesharshiyya says: One does not presume that there is **blood in the intestines,**[NH] and therefore they are not prohibited if they have not been salted. The Gemara comments: The Sages **interpreted** this statement as referring **to the rectum, the intestines, and the spiral colon.**[B]

NOTES

One must rinse and salt and then rinse again – מֵדִיחַ וּמוֹלֵחַ וּמֵדִיחַ: The purpose of the second rinsing, after the salting, is to remove the last traces of blood from the meat (Ran). With regard to the reason for the rinsing before salting, some say that it serves to expel actual blood that remains on the meat after the slaughter. This is because the salt expels only the moist blood that is inside the meat, but is not effective with regard to removing dried blood on the surface of the meat. Consequently, if the meat is not rinsed before washing there is a concern that after expelling its blood, it will reabsorb the blood on its surface, which has melted due to the salt (Ra'ah).

By contrast, according to those early commentaries who maintain that one must be careful not to leave the salt in the meat until it has expelled all its blood and juices, but one must remove the salt slightly before this stage, there is no concern that the blood on the surface of the meat will be absorbed inside the meat. Rather, the purpose of the first rinsing is to soften the meat so that the salt can remove its blood effectively (Ran).

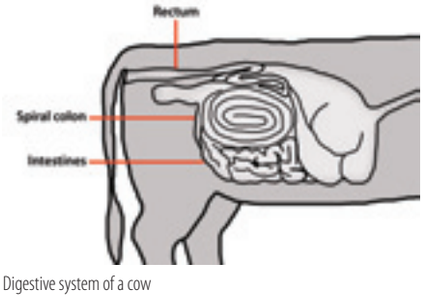
One does not presume that there is blood in the intestines – אֵין מַחֲזִיקִין דָּם בִּבְנֵי מֵעַיִם: The primary purpose of salting is to remove the blood from the meat that would be expelled during the cooking process. The intestines contain little blood and do not expel blood during cooking. Consequently, this blood is considered like blood of the limbs that has not separated from the limb, which is permitted (Ran). Any blood that does come out of the intestines as they are cooked is nullified due to its small quantity (*Peri Megadim*).

LANGUAGE

Coarse [*gelalnita*] – גְּלָלְנִיתָא: Apparently from the word *galal*, meaning a rock. If so, it is referring to coarse salt produced from chunks of salt mined from hills, as opposed to soft salt from the sea.

BACKGROUND

Rectum, intestines, and spiral colon – אַכַּרְכְּשָׁא וּמֵעָיָא וְהַדְּרָא דְּכַנְתָּא:



Digestive system of a cow

HALAKHA

Meat cannot be rid of its blood unless one salts it thoroughly, etc. – אֵין הַבָּשָׂר יוֹצֵא מִידֵי דָּמוֹ אֶלָּא אִם כֵּן מוֹלְחוֹ יָפֶה יָפֶה וכו': Meat remains prohibited due to its blood unless one salts it thoroughly and rinses it thoroughly. One must also rinse the meat before salting to soften it so that its blood will be expelled in the salting process (Ran). The Mordekhai cites this opinion as well, but concludes that the purpose of the first rinsing is to remove the dirt adhering to the meat, as otherwise the salt will adhere to the dirt and will not remove the blood from the meat. If the butcher has already rinsed the meat there is no need to do so once again in one's home (*Tur*). As for the manner of rinsing the meat, the Rema writes that one should proceed as follows *ab initio*: He should soak it for half an hour and rinse it well in the water in which it was soaked. If he did not soak it but merely rinsed it thoroughly, this is sufficient. Afterward he should wait a little for the water to drip off before he salts it, so that the salt does not melt in the water and become incapable of drawing out the blood. Nevertheless, one should not wait until it is completely dry (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:10; *Shulḥan Arukh*, *Yoreh De'a* 69:1, and *Darkhei Moshe*, *Shakh*, and Gra there).

Would salt meat with coarse salt and then shake the salt off the meat – מְלַח לֵיהּ בְּמִילְחָא גְּלָלְנִיתָא וּמְנַפֵּיץ לֵיהּ: One should not salt meat with salt that is fine as flour, nor with very coarse salt that would fall off the meat, but rather with salt that is as thick as coarse sand (Rambam). This ruling is in accordance with the custom of Rav Dimi, which is recorded in order to teach the practical *halakha* (*Maggid Mishne*). If the only salt one has is as fine as flour, it is permitted to use it (Rema). Before placing the meat in a vessel in which it will be rinsed, one should shake the salt off it, or rinse it in water (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:11; *Shulḥan Arukh*, *Yoreh De'a* 69:6).

One does not presume that there is blood in the intestines – אֵין מַחֲזִיקִין דָּם בִּבְנֵי מֵעַיִם: There is no presumption that there is blood in the intestines, e.g., the rumen, the abomasum, the small intestines, and the rectum, when their fat has already been removed. Consequently, if one cooked them in a pot without first salting them they are permitted, unless their appearance is ruddy. The Rema writes that these parts require salting in a perforated vessel and rinsing beforehand *ab initio*, like other meat. Some disagree with regard to the rumen, claiming that there is a presumption that it does contain blood, and it is therefore prohibited even after the fact if it is not salted. All agree that the reticulum is considered like all other meat in this regard. Likewise, the fat on the intestines are considered like all other meat. Consequently, when one salts the rectum and other parts of the intestines, one does not salt their inner parts where the food passes through, but the outer part upon which the fat adheres. If one salted the rectum on the inner part rather than on its outer part it is as though it has not been salted at all. Therefore, if it is cooked in this state it is non-kosher if there is fat on its outside. If the rectum has yet to be cooked, one should salt it again on the outside in the proper manner, and then it is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:18; *Shulḥan Arukh*, *Yoreh De'a* 75:1, and in the comment of Rema).

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אָמַר שְׁמוּאֵל: אֵין מַנִּיחִין בָּשָׂר מָלִיחַ אֶלָּא עַל גַּבֵּי כְּלִי מְנוּקָּב.

Shmuel says: One may place salted meat only on a perforated vessel,[H] so that the expelled blood can run out. But if the vessel is not perforated then the blood will pool and be reabsorbed by the meat.

רַב שֵׁשֶׁת מָלַח לֵיהּ גַּרְמָא גַּרְמָא, תְּרֵי מַאי טַעֲמָא לָא – מִשּׁוּם דְּפָרֵישׁ מֵהַאי וּבָלַע הַאי. חַד נַמִּי, פָּרֵישׁ מֵהַאי גִּיסָּא וּבָלַע הַאי גִּיסָּא! אֶלָּא: לָא שְׁנָא.

The Gemara relates: **Rav Sheshet would salt** meat **one bone,** i.e., one piece, **at a time.**[H] The Gemara asks: **What is the reason** that he would **not** salt **two** together? Could it be **because** the blood **leaves this** piece **and that** piece **absorbs** it? If so, with regard to **one** piece **as well,** one could claim that the blood **leaves this side** of the piece **and that side absorbs** it. **Rather,** there **is no difference** between one piece and two pieces, and one may salt even several pieces together.

אָמַר שְׁמוּאֵל מִשּׁוּם רַבִּי חִיָּיא: הַשּׁוֹבֵר מִפְּרַקְתָּהּ שֶׁל בְּהֵמָה קוֹדֶם שֶׁתֵּצֵא נַפְשָׁהּ – הֲרֵי זֶה מַכְבִּיד אֶת הַבָּשָׂר, וְגוֹזֵל אֶת הַבְּרִיּוֹת, וּמַבְלִיעַ דָּם בָּאֵבָרִים.

Shmuel says in the name of Rabbi Ḥiyya: One who breaks the neck of an animal[B] after it is slaughtered but **before its soul departs thereby makes the meat heavy.** The meat expels blood at the time of slaughter, but if one breaks the animal's neck, excess blood is trapped inside and weighs down the meat. **And** by this action **he robs people,** as **he causes blood to be absorbed in the** animal's **limbs,** and since he sells the meat by weight, people will pay extra to acquire the same amount of edible meat.

אִיבַּעְיָא לְהוּ: הֵיכִי קָאָמַר מַכְבִּיד אֶת הַבָּשָׂר וְגוֹזֵל אֶת הַבְּרִיּוֹת מִשּׁוּם דְּמַבְלִיעַ דָּם בָּאֵבָרִים, הָא לְדִידֵיהּ – שַׁפִּיר דָּמֵי, אוֹ דִלְמָא – לְדִידֵיהּ נַמִּי אָסוּר? תֵּיקוּ.

A dilemma was raised before the Sages: With regard to **what** case **is he speaking?** Does Shmuel mean that there is only one problem with this practice, namely, that it **renders the meat heavy and robs people since he causes blood to be absorbed in the** animal's **limbs?** If so, it may be inferred that if one wishes to keep the meat **for himself,**[H] one may **well** do so, since he is robbing no one. **Or perhaps** Shmuel is referring to two prohibitions, first, that the blood trapped in the meat renders it prohibited for consumption, and second, that of robbery. If so, then even if one wants to keep the meat **for himself,** it is **also prohibited.** The Gemara concludes: The dilemma **shall stand** unresolved.

מתני׳ הַמַּעֲלֶה אֶת הָעוֹף עִם הַגְּבִינָה עַל הַשֻּׁלְחָן אֵינוֹ עוֹבֵר בְּלֹא תַּעֲשֶׂה.

MISHNA **One who places** the meat of **birds with cheese on the table** upon which he eats **does not** thereby **violate** a Torah **prohibition.**

BACKGROUND

Neck of an animal – מִפְּרַקְתָּהּ שֶׁל בְּהֵמָה:



Cow's neck

HALAKHA

One may place salted meat only on a perforated vessel – אֵין מַנִּיחִין בָּשָׂר מָלִיחַ אֶלָּא עַל גַּבֵּי כְּלִי מְנוּקָּב: One may salt meat only upon a perforated vessel or on straw or twigs, or on an incline on which water would immediately flow down. One should take care that the holes of the perforated vessel are open *ab initio*, and therefore one should not place it on the ground, as in that case it is considered like an unperforated vessel. Some maintain that one should preferably put straw or twigs inside the vessel, as otherwise the meat might block the holes, but one need not be concerned about this matter after the fact (Rema). If one did salt meat in an unperforated vessel, it is prohibited to use that vessel for any boiling food. The Rema writes that if one nevertheless used the vessel for a dry boiling food, one must peel the outer layer of the food. If one used the vessel for a boiling liquid, the liquid is permitted only if there was sixty times more of it than the size of the outer layer of the vessel. Some say that one may not use this vessel even for cold food items without first rinsing it, and if one did, he should rinse the food that was placed in it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:11; *Shulḥan Arukh*, *Yoreh De'a* 69:16).

Would salt meat one bone at a time, etc. – מָלַח לֵיהּ גַּרְמָא גַּרְמָא וכו': One may salt numerous pieces of meat together, one on top of the other. Although a lower piece of meat finishes expelling its blood before an upper piece, one does not say that it will subsequently absorb blood from the upper piece, as the lower piece continues to expel its juices for a long time, during which it will not absorb. Even if a large amount of juice accumulates between the pieces, the meat is permitted. This ruling applies to all cases of salting meat together with other types of meat, including the meat of an ox with that of kids and lambs or with the meat of birds, as they do not finish expelling all their juices before the ox finishes expelling its blood. This ruling is in accordance with the conclusion of the Gemara, and not in accordance with the opinion of Rav Sheshet. The Rema writes that it is customary to be stringent *ab initio* to turn over every piece of the animal that has a receptacle, e.g., a whole side of an animal, so that the blood should flow out, but one need not be concerned about this matter after the fact (*Shulḥan Arukh*, *Yoreh De'a* 70:1).

For himself – לְדִידֵיהּ: It is prohibited for one who breaks the neck of an animal before its soul departs to eat its meat raw unless he first salts it thoroughly. This ruling is in accordance with the principle that the *halakha* is stringent with regard to any case that involves a Torah prohibition that is left as an uncertainty by the Gemara. If one salts the meat it is permitted even to cook it in a pot. It is permitted to roast the meat without salting, but the custom is to cut it and salt it even if one wants to roast it (Rema; *Ateret Zahav*). The *Baḥ* maintains that this is not merely a custom; rather, the *halakha* is that one must salt the meat before roasting it (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:9; *Shulḥan Arukh*, *Yoreh De'a* 67:3 and *Shakh* there).

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HALAKHA

The meat of a kosher animal in the milk of any kosher animal – בְּשַׂר בְּהֵמָה טְהוֹרָה בַּחֲלֵב בְּהֵמָה טְהוֹרָה: The prohibition of meat cooked in milk applies only to the meat of a kosher animal cooked in the milk of a kosher animal. The meat of a kosher animal cooked in the milk of a non-kosher animal and the meat of a non-kosher animal cooked in the milk of a kosher animal are permitted with regard to cooking and with regard to deriving benefit, even by rabbinic law (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:3; *Shulḥan Arukh*, *Yoreh De'a* 87:3 and *Shakh* there).

Cooking the meat of an undomesticated animal or bird in milk is not prohibited by Torah law – חַיָּה וְעוֹף אֵינָם מִן הַתּוֹרָה: It is permitted to cook the meat of an undomesticated animal or a bird in milk and to derive benefit from that dish. Its consumption is prohibited by rabbinic law, in accordance with the opinion of Rabbi Akiva. Some commentaries maintain that the meat of an undomesticated animal or of a bird cooked in milk has the same status as the meat of a domesticated animal cooked in milk (Maharshal; *Baḥ*). The *Shakh* agrees with the opinion that it is prohibited by rabbinic law. As proof, he cites the statement of the Rambam in the *Mishne Torah* (*Sefer Shofetim*, *Hilkhot Mamrim* 2:9) that if a court states that bird meat is included in the "kid" mentioned by the Torah and it is therefore prohibited to cook it in milk, that court has violated the prohibition: Do not add to mitzvot (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:4; *Shulḥan Arukh*, *Yoreh De'a* 87:3).

גמ׳ הָא אוֹכְלוֹ – עוֹבֵר בְּלֹא תַּעֲשֶׂה, שְׁמַע מִינָּהּ: בְּשַׂר עוֹף בְּחָלָב דְּאוֹרַיְיתָא! אֵימָא: הַמַּעֲלֶה אֶת הָעוֹף עִם הַגְּבִינָה עַל הַשּׁוּלְחָן אֵינוֹ בָּא לִידֵי לֹא תַּעֲשֶׂה.

GEMARA The Gemara suggests: Since the mishna mentions only that placing meat of birds and milk on one table does not violate a Torah prohibition, one may **consequently** infer that if one **eats** them together he does **violate** a Torah **prohibition.** If so, **learn from** the mishna that **meat of birds in milk** is prohibited **by Torah law,** contrary to the opinion of Rabbi Akiva, who maintains that it applies by rabbinic law. The Gemara responds: **Say** that the mishna should be understood as follows: **One who places bird meat with cheese on the table will not** thereby **come to** violate a Torah **prohibition,** since eating the two together is a rabbinic prohibition, as Rabbi Akiva maintains.

מתני׳ בְּשַׂר בְּהֵמָה טְהוֹרָה בַּחֲלֵב בְּהֵמָה טְהוֹרָה – אָסוּר לְבַשֵּׁל וְאָסוּר בַּהֲנָאָה. בְּשַׂר בְּהֵמָה טְהוֹרָה בַּחֲלֵב בְּהֵמָה טְמֵאָה, בְּשַׂר בְּהֵמָה טְמֵאָה בַּחֲלֵב בְּהֵמָה טְהוֹרָה – מוּתָּר לְבַשֵּׁל וּמוּתָּר בַּהֲנָאָה. רַבִּי עֲקִיבָא אוֹמֵר: חַיָּה וְעוֹף אֵינָם מִן הַתּוֹרָה, שֶׁנֶּאֱמַר ״לֹא תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ״ שָׁלוֹשׁ פְּעָמִים, פָּרַט לְחַיָּה וּלְעוֹף וּבְהֵמָה טְמֵאָה.

MISHNA It is **prohibited to cook the meat of a kosher animal in the milk of** any **kosher animal,**[H] not merely the milk of its mother, **and** deriving **benefit** from that mixture is **prohibited.** It is **permitted to cook the meat of a kosher animal in the milk of a non-kosher animal,** or **the meat of a non-kosher animal in the milk of a kosher animal, and** deriving **benefit** from that mixture is **permitted. Rabbi Akiva says:** Cooking the meat of **an undomesticated animal or bird** in milk is **not** prohibited **by Torah law,**[H] **as it is stated: "You shall not cook a kid in its mother's milk"** (Exodus 23:19, 34:26; Deuteronomy 14:21) **three times.** The repetition of the word "kid" three times **excludes an undomesticated animal, a bird, and a non-kosher animal.**

רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר: נֶאֱמַר ״לֹא תֹאכְלוּ כָּל נְבֵלָה״, וְנֶאֱמַר ״לֹא תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ״, אֶת שֶׁאָסוּר מִשּׁוּם נְבֵלָה – אָסוּר לְבַשֵּׁל בְּחָלָב, עוֹף שֶׁאָסוּר מִשּׁוּם נְבֵלָה, יָכוֹל יְהֵא אָסוּר לְבַשֵּׁל בְּחָלָב – תַּלְמוּד לוֹמַר: ״בַּחֲלֵב אִמּוֹ״ – יָצָא עוֹף שֶׁאֵין לוֹ חֲלֵב אֵם.

Rabbi Yosei HaGelili says that **it is stated: "You shall not eat of any animal carcass"** (Deuteronomy 14:21), **and** in the same verse **it is stated: "You shall not cook a kid in its mother's milk."** This indicates that meat of an animal **that** is subject to be **prohibited due to** the prohibition of eating **an unslaughtered carcass** is **prohibited** for one **to cook in milk.** Consequently, with regard to meat of **birds, which** is subject to be **prohibited due to** the prohibition of eating **an unslaughtered carcass,** one **might** have thought that it **would be prohibited to cook** it **in milk.** Therefore, **the verse states: "In its mother's milk," excluding a bird, which has no mother's milk.**

גמ׳ מְנָא הָנֵי מִילֵּי? אָמַר רַבִּי אֶלְעָזָר, אָמַר קְרָא: ״וַיִּשְׁלַח יְהוּדָה אֶת גְּדִי הָעִזִּים״.

GEMARA The Gemara asks: **From where are these matters** derived? **Rabbi Elazar said: The verse states: "And Judah sent the kid of the goats"** (Genesis 38:20).

Perek **VIII**
Daf **113** Amud **b**

HALAKHA

It means even a cow or a ewe – אֲפִילּוּ פָּרָה וְרָחֵל בִּכְלָל: Although the Torah states: You shall not cook a kid in its mother's milk, the same applies to an ox, lamb, or goat. Likewise, there is no difference between the milk of that animal's mother or any other milk, as the verse is referring to the common case (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:3; *Shulḥan Arukh*, *Yoreh De'a* 87:2).

כָּאן – גְּדִי עִזִּים, הָא כָּל מָקוֹם שֶׁנֶּאֱמַר ״גְּדִי״ סְתָם – אֲפִילּוּ פָּרָה וְרָחֵל בִּכְלָל.

One may infer that **here,** since this verse specifies that it is referring to **a kid of the goats, consequently, anywhere** the word **"kid" is stated without specification, it means even a cow or a ewe.**[H] Accordingly, the prohibition of meat cooked in milk applies to all kosher domesticated animals.

וְלֵילַף מִינַּיהּ! כְּתִיב קְרָא אַחֲרִינָא ״וְאֵת עֹרֹת גְּדֵי הָעִזִּים״, כָּאן גְּדֵי הָעִזִּים, הָא כָּל מָקוֹם שֶׁנֶּאֱמַר ״גְּדִי״ סְתָם – אֲפִילּוּ פָּרָה וְרָחֵל בִּכְלָל.

The Gemara asks: **But** why not **derive from** that verse that in general, every instance of the word "kid" is referring to a goat, including the prohibition of meat cooked in milk? The Gemara answers: This cannot be, as **another verse is written: "And the skins of the kids of the goats"** (Genesis 27:16). This indicates that only **here** they are **kids of the goats, but anywhere** the word **"kid" is stated without specification, it means even a cow or a ewe.**

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וְלֵילַף מִינַּיהּ! תָּווּ לְהוּ שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְּתוּבִים הַבָּאִים כְּאֶחָד אֵין מְלַמְּדִין.

The Gemara objects: **But let us derive from** this verse as well that on the contrary, the word "kid" is always referring to a goat. The Gemara explains: These two examples **are two verses that come as one,**[B] i.e., to teach the same matter, **and** as a rule, **any two verses that come as one do not teach** their common element to other cases.

הָנִיחָא לְמַאן דְּאָמַר אֵין מְלַמְּדִין, אֶלָּא לְמַאן דְּאָמַר מְלַמְּדִין, מַאי אִיכָּא לְמֵימַר? תְּרֵי מִיעוּטֵי כְּתִיבִי ״עִזִּים״ ״הָעִזִּים״.

The Gemara asks: **This works out well according to the one who says** this principle that two verses that come as one **do not teach** their common element to other cases, **but according to the one who says** that two verses that come as one do **teach** their common element to other cases, **what is there to say?** The Gemara answers: **Two exclusions are written,** as both of the verses cited use the term "the goats." The verses could have stated simply: **Goats,** but state "**the goats,**" with the definite article, teaching that it is only in these cases that the reference is specifically to a goat.

אָמַר שְׁמוּאֵל: ״גְּדִי״ – לְרַבּוֹת אֶת הַחֵלֶב, ״גְּדִי״ – לְרַבּוֹת אֶת הַמֻּתָּה, ״גְּדִי״ – לְרַבּוֹת אֶת הַשָּׁלִיל,

§ **Shmuel says:** Each of the Torah's three mentions of the prohibition of not cooking a kid in its mother's milk serves to include a different case. The first mention of the word "**kid**" serves **to include** liability for cooking in milk and eating forbidden **fats,**[H] beyond the liability for eating forbidden fat per se. The second mention of the word "**kid**" likewise serves **to include** additional liability for cooking in milk and eating the meat of **a dead** animal carcass.[H] Finally, the third mention of the word "**kid**" serves **to include** liability for cooking in milk and eating an animal **fetus.**[H]

״גְּדִי״ – לְהוֹצִיא אֶת הַדָּם, ״גְּדִי״ – לְהוֹצִיא אֶת הַשִּׁלְיָא, ״גְּדִי״ – לְהוֹצִיא אֶת הַטְּמֵאָה.

Each mention excludes a case as well: The first mention of the word "**kid**" serves **to exclude** liability for cooking in milk and consuming **blood.**[H] The second mention of the word "**kid**" serves **to exclude** liability for cooking in milk and eating **the placenta**[H] of an animal. The third mention of the word "**kid**" serves **to exclude** liability for cooking in milk and eating the meat of **a non-kosher** animal.

״בַּחֲלֵב אִמּוֹ״ – וְלֹא בַּחֲלֵב זָכָר, ״בַּחֲלֵב אִמּוֹ״ – וְלֹא בַּחֲלֵב שְׁחוּטָה, ״בַּחֲלֵב אִמּוֹ״ – וְלֹא בַּחֲלֵב טְמֵאָה.

Furthermore, the first instance of the phrase "**in its mother's milk**" indicates that one is **not** liable for cooking meat **in the milk of a male** animal,[H] in the rare case that a male might produce milk. The second instance of the phrase "**in its mother's milk**" indicates that one is **not** liable for cooking meat **in the milk of** an already **slaughtered** animal,[NH] since it is considered milk only if given while the animal is alive. The third instance of the phrase "**in its mother's milk**" indicates that one is **not** liable for cooking meat **in the milk of a non-kosher** animal.[H]

BACKGROUND

Two verses that come as one – שְׁנֵי כְּתוּבִין הַבָּאִים כְּאֶחָד: A *halakha* written in one context may serve as a general model for many other contexts, in the absence of a restriction limiting the *halakha* to that context. This is the hermeneutical technique called analogy [*binyan av*]. An exception to this is if the same *halakha* appears in two different contexts. Since the Torah wrote it in the second context, it is apparent that it cannot have been derived from the first context by way of analogy. Therefore, it cannot be derived by way of analogy to other contexts either. If it is possible to explain why the analogy could not have been applied specifically to the second context, thereby necessitating the writing of the *halakha* there, the analogy can be applied to other contexts.

NOTES

In its mother's milk, not in the milk of a slaughtered animal – בַּחֲלֵב אִמּוֹ וְלֹא בַּחֲלֵב שְׁחוּטָה: This refers to milk found in the udder of a slaughtered animal. The prohibition of meat cooked in milk does apply to milk found in the stomach of a slaughtered animal, which it suckled from its mother before it died.

HALAKHA

To include forbidden fats – לְרַבּוֹת אֶת הַחֵלֶב: One who cooks forbidden fat in milk is flogged for violating the prohibition of meat cooked in milk for the act of cooking, but not for eating that dish. The reason is that the prohibition of meat cooked in milk does not take effect in addition to the prohibition of forbidden fat. This is not a case of a more inclusive prohibition, i.e., one that adds additional aspects to the prohibition for the same individual, nor an expanded prohibition, i.e., one that incorporates additional people into the list of those prohibited to the original item, nor do the prohibitions come into effect at the same time, which are the exceptions to the principle that a prohibition does not take effect where another prohibition already exists (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6).

To include the meat of a dead animal carcass – לְרַבּוֹת אֶת הַמֻּתָּה: One who cooks the meat of a dead animal carcass in milk is flogged for violating the prohibition of meat cooked in milk for the act of cooking, but not for eating that dish. The reason is that the prohibition of meat cooked in milk does not take effect in addition to the prohibition of an animal carcass, and this is not a case of a more inclusive prohibition, nor an expanded prohibition, nor do the prohibitions come into effect at the same time (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6).

To include an animal fetus – לְרַבּוֹת אֶת הַשָּׁלִיל: One who cooks an animal fetus in milk and one who eats that dish are liable for violating the prohibition of meat cooked in milk (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:7; *Shulḥan Arukh*, *Yoreh De'a* 87:7).

To exclude blood – לְהוֹצִיא אֶת הַדָּם: One who cooks blood in milk is exempt, and if he eats the dish he is not flogged for violating the prohibition of meat cooked in milk (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 87:6).

To exclude the placenta – לְהוֹצִיא אֶת הַשִּׁלְיָא: One who cooks a placenta in milk as well as one who eats a placenta cooked in milk is exempt from lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:7; *Shulḥan Arukh*, *Yoreh De'a* 87:7).

Not in the milk of a male animal – לֹא בַּחֲלֵב זָכָר: One who cooks meat in the milk of a male animal is exempt from lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 87:6).

Not in the milk of a slaughtered animal – לֹא בַּחֲלֵב שְׁחוּטָה: One who cooked meat in the milk of a dead animal, whether it died of its own accord or was slaughtered, is exempt from lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 87:6 and *Shakh* there).

Not in the milk of a non-kosher animal – לֹא בַּחֲלֵב טְמֵאָה: It is permitted to cook the meat of a kosher animal in the milk of a non-kosher animal, and to derive benefit from the dish (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:3; *Shulḥan Arukh*, *Yoreh De'a* 87:3).

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HALAKHA

An impure priest who partakes of impure *teruma* – כֹּהֵן טָמֵא שֶׁאָכַל תְּרוּמָה טְמֵאָה: An impure priest who ate impure *teruma* is not flogged, although he has violated a prohibition, as this *teruma* is not sacred (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:1).

הָא תְּלָתָא ״גְּדִי״ כְּתִיבִי, וְאֵנַן שִׁיתָּא דָּרְשִׁינַן! קָסָבַר שְׁמוּאֵל: אִיסּוּר חֵל עַל אִיסּוּר, וְאִיסּוּר חֵלֶב וּמֵתָה – מֵחַד קְרָא נָפְקִי, דָּם נַמִּי – לָאו גְּדִי הוּא, וְשִׁלְיָא נַמִּי – פִּירְשָׁא בְּעָלְמָא הוּא. פָּשׁוּ לְהוּ תֵּרֵי, חַד – לְרַבּוֹת אֶת הַשְּׁלִיל, וְחַד – לְמַעוּטֵי בְּהֵמָה טְמֵאָה.

The Gemara challenges: The word **"kid" is written** only **three** times, **and** yet **we expound** it to teach **six** different *halakhot*. The Gemara responds: **Shmuel maintains** that **a prohibition takes effect** even where another **prohibition** already exists, **and** therefore the **prohibition of** forbidden **fat** in milk **and** the prohibition of **a dead** animal carcass in milk **are both derived from one verse,**[N] as both are applications of the prohibition to an already prohibited item. The exclusion of **blood** from the prohibition **also** does not require its own verse, as blood **is not** considered **a kid** at all, **and likewise** there is no need for a verse to exclude **a placenta** from the prohibition, as it **is merely a secretion** of the animal, rather than a kind of meat. Therefore, **two** mentions of "kid" **are left; one** serves **to include a fetus, and one** serves **to exclude a non-kosher animal.**

וְסָבַר שְׁמוּאֵל אִיסּוּר חֵל עַל אִיסּוּר? וְהָאֲמַר שְׁמוּאֵל מִשּׁוּם רַבִּי אֶלְעָזָר: מִנַּיִן לְכֹהֵן טָמֵא שֶׁאָכַל תְּרוּמָה טְמֵאָה שֶׁאֵינוֹ בְּמִיתָה – שֶׁנֶּאֱמַר ״וּמֵתוּ בוֹ כִּי יְחַלְּלֻהוּ״ – פָּרַט לְזוֹ שֶׁמְּחוּלֶּלֶת וְעוֹמֶדֶת!

The Gemara asks: **And does Shmuel** really **maintain** that **a prohibition takes effect** where another **prohibition** already exists? **But didn't Shmuel say in the name of Rabbi Elazar: From where** is it derived that **an impure priest who partakes of impure *teruma*,**[H] i.e., the portion of produce designated for the priest, **is not** punished **with death** at the hand of Heaven as he would had the *teruma* been ritually pure? It is derived from a verse, **as it is stated,** with regard to the prohibition of an impure priest partaking of *teruma*: **"And die therein if they desecrate it"** (Leviticus 22:9), **to the exclusion of this** case of *teruma* that is impure, **which was already desecrated** before the priest ate it. Here, it seems, since impure *teruma* is already prohibited for consumption, the added prohibition of an impure priest partaking of *teruma* does not take effect.

אִיבָּעֵית אֵימָא: בְּעָלְמָא – אִיסּוּר חֵל עַל אִיסּוּר, וְשָׁאנֵי הָתָם – דִּמְיעֵט רַחֲמָנָא ״וּמֵתוּ בוֹ״. אִיבָּעֵית אֵימָא: בְּעָלְמָא קָסָבַר שְׁמוּאֵל אֵין אִיסּוּר חֵל עַל אִיסּוּר, וְשָׁאנֵי הָכָא דְּרַבֵּי רַחֲמָנָא ״גְּדִי״.

The Gemara answers: **If you wish, say** that **in general** Shmuel maintains that **a prohibition takes effect** where another **prohibition** already exists, and it **is different there,** with regard to *teruma*, **as the Merciful One** expressly **excludes** impure *teruma* by the phrase **"and die therein** if they desecrate it," and in this case the *teruma* is already desecrated. And **if you wish, say** that **in general Shmuel maintains** that **a prohibition does not take effect** where another **prohibition** already exists, **and here,** the case of meat cooked in milk, **is different, as the Merciful One** expressly **includes** the meat of an animal carcass and forbidden fat by the repetition of the word **"kid."**

וְאִיבָּעֵית אֵימָא: הָא – דִּידֵיהּ, הָא – דְּרַבֵּיהּ.

And if you wish, say that **this** statement of Shmuel with regard to meat cooked in milk is **his** own opinion, as he maintains that a prohibition takes effect where another prohibition already exists, and **that** statement with regard to *teruma* **is his teacher's,** i.e., Rabbi Elazar's, opinion, as he holds that a prohibition does not take effect where another prohibition already exists.

בְּעָא מִינֵּיהּ רַב אַחַדְבּוֹי בַּר אַמִּי מֵרַב: הַמְבַשֵּׁל בַּחֲלֵב גְּדִי שֶׁלֹּא הֵנִיקָה, מַהוּ? אֲמַר לֵיהּ: מִדְּאִיצְטְרִיכָא לְשְׁמוּאֵל לְמֵימַר ״בַּחֲלֵב אִמּוֹ״ – וְלֹא בַּחֲלֵב זָכָר, זָכָר הוּא – דְּלָא אָתֵי לְכַלֵּל אֵם, אֲבָל הַאי כֵּיוָן דְּבָא לְכַלֵּל אֵם – אָסוּר.

§ **Rav Aḥadvoi bar Ami raised a dilemma to Rav:** If **one cooks** meat **in milk of a goat that has not** yet **nursed,** but that is about to give birth and already has milk, **what is** the *halakha*? Rav **said to him: From** the fact that **it was necessary for Shmuel to say** that the phrase **"in its mother's milk"** teaches: **And not in the milk of a male** animal, one can infer that **it is** only the milk of **a male** that is excluded, as the male **cannot attain the status of a mother. But** in **this** case, **since** the goat **will attain the status of a mother,** it is **prohibited** to cook meat in its milk.

NOTES

The prohibition of forbidden fat and a dead animal are both derived from one verse – וְאִיסּוּר חֵלֶב וּמֵתָה מֵחַד קְרָא נָפְקִי: This claim is puzzling, since if Shmuel maintains as a principle that a prohibition takes effect even where another prohibition already exists, why is even one verse necessary to include these two prohibitions? Rashi initially suggests that the Gemara means that one of the mentions of the word "kid" is required to teach the actual prohibition of meat cooked in milk, and neither of the other prohibitions is included from the verse. But Rashi questions this interpretation, as the Gemara on 116a states that Rabbi Akiva agrees with Shmuel that a prohibition takes effect even where another prohibition already exists and therefore no verse is needed for the prohibitions of forbidden fat and a dead animal. This is problematic, as according to the Gemara there, three verses are expounded, not two, as indicated here. Rashi therefore claims that no mention of the word "kid" is required to teach the actual prohibition of meat and milk, as the verse could simply have stated: You shall not cook in a mother's milk. He further contends that the clause: Shmuel maintains that a prohibition takes effect even where another prohibition already exists, should be omitted from the Gemara here, as that clause indicates that Shmuel derives this principle from elsewhere. Rather, Rashi explains that it is from this very mention of "kid" that Shmuel derives that principle. Therefore, only one verse is needed for both prohibitions, since once the principle is accepted it applies equally to the prohibition of forbidden fat and the prohibition of a dead animal (see also *Tosafot*).

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אִתְּמַר, הַמְבַשֵּׁל חֵלֶב בְּחָלָב – רַבִּי אַמִּי וְרַבִּי אַסִּי, חַד אָמַר: לוֹקֶה, וְחַד אָמַר: אֵינוֹ לוֹקֶה. לֵימָא בְּהָא קָמִיפַּלְגִי, דְּמַאן דְּאָמַר לוֹקֶה קָסָבַר: אִיסּוּר חָל עַל אִיסּוּר, וּמַאן דְּאָמַר אֵינוֹ לוֹקֶה, קָסָבַר: אֵין אִיסּוּר חָל עַל אִיסּוּר!

It **was stated:** With regard to **one who cooks** forbidden **fat in milk, Rabbi Ami and Rabbi Asi** disagree as to the *halakha*. **One says** that he **is flogged** for violating the prohibition of meat cooked in milk, **and one says** that he **is not flogged.** The Gemara suggests: **Let us say** that **they disagree about this: That the one who says** he **is flogged maintains** that **a prohibition takes effect** where another **prohibition** already exists, **and the one who says** he **is not flogged maintains** that **a prohibition does not take effect** where another **prohibition** already exists.

לָא, דְּכוּלֵי עָלְמָא אֵין אִיסּוּר חָל עַל אִיסּוּר, מַאֲכִילָה – דְּכוּלֵי עָלְמָא לָא פְּלִיגִי דְּלָא לָקֵי, כִּי פְּלִיגִי – אַבִּשּׁוּל, מַאן דְּאָמַר לוֹקֶה – חַד אִיסּוּרָא הוּא. וּמַאן דְּאָמַר אֵינוֹ לוֹקֶה – לְהָכִי אַפְּקָהּ רַחֲמָנָא לַאֲכִילָה בִּלְשׁוֹן בִּישׁוּל,

The Gemara responds: **No; everyone** agrees that **a prohibition does not take effect** where another **prohibition** already exists, and therefore **everyone agrees that** one **is not flogged for eating** the mixture. **When they disagree,** it is **with regard to cooking. The one who says** he **is flogged** holds that one who cooks violates only **one prohibition,** that of cooking meat in milk, since it is permitted to cook forbidden fat without eating it. Consequently, this is not a case of a prohibition taking effect where another prohibition already exists. **And the one who says** he **is not flogged** holds that it was **for this** reason that **the Merciful One expressed** the prohibition of **eating** meat cooked in milk in the Torah using **the language of cooking:** "You shall not cook a kid in its mother's milk."

Perek **VIII**
Daf **114** Amud **a**

כֵּיוָן דְּעַל אֲכִילָה לָא לָקֵי – אַבִּישּׁוּל נַמִּי לָא לָקֵי.

This link between cooking and eating indicates that **since one is not flogged for eating**[N] forbidden fat cooked in milk, as agreed upon above, one **also is not flogged for cooking** the two together.

וְאִיכָּא דְּאָמְרִי: אַבִּישּׁוּל – כּוּלֵי עָלְמָא לָא פְּלִיגִי דְּלָקֵי, כִּי פְּלִיגִי – מַאֲכִילָה. מַאן דְּאָמַר אֵינוֹ לוֹקֶה – דְּהָא אֵין אִיסּוּר חָל עַל אִיסּוּר. וּמַאן דְּאָמַר לוֹקֶה – לְהָכִי אַפְּקָהּ רַחֲמָנָא לַאֲכִילָה בִּלְשׁוֹן בִּישׁוּל, כֵּיוָן דְּאַבִּישּׁוּל לָקֵי – מַאֲכִילָה נַמִּי לָקֵי.

And some say the opposite: **With regard to cooking, everyone agrees that** one **is flogged** for this act, since the principle of a prohibition not taking effect where another prohibition already exists is not relevant. **When they disagree,** it is **with regard to eating. The one who says he is not flogged** applies the principle **that a prohibition does not take effect** where another **prohibition** already exists, and the fat was already prohibited for consumption in its own right before being cooked with milk. **And the one who says he is flogged** holds that it was **for this** reason that **the Merciful One expressed** the prohibition of **eating** meat cooked in milk using **the language of cooking,** to teach that **since one is flogged for cooking** forbidden fat in milk, one **also is flogged for eating** the product.

וְאִיבָּעֵית אֵימָא: מָר אָמַר חָדָא וּמָר אָמַר חָדָא, וְלָא פְּלִיגִי.

The Gemara suggests a third explanation of the dispute between Rabbi Ami and Rabbi Asi: **And if you wish, say** that **one Sage said one** statement **and one Sage said another** statement, **and they do not disagree,** as they are referring to different cases. The Sage who said that one is flogged is referring to the transgression of cooking forbidden fat with milk, whereas the one who said one is not flogged is referring to the consumption of forbidden fat with milk. Everyone agrees that a prohibition does not take effect where another prohibition already exists, and therefore one is flogged only for cooking forbidden fat in milk, but not for eating the two together.

מֵיתִיבִי: הַמְבַשֵּׁל בְּמֵי חָלָב – פָּטוּר, דָּם שֶׁבִּשְּׁלוֹ בְּחָלָב – פָּטוּר. הָעֲצָמוֹת וְהַגִּידִים וְהַקְּרָנַיִם וְהַטְּלָפַיִם שֶׁבִּשְּׁלָן בְּחָלָב – פָּטוּר.

The Gemara **raises an objection** from a *Tosefta* (8:3): **One who cooks** meat **in whey,**[H] the liquid leftover after milk has been curdled, is **exempt** from lashes, as whey is not defined as milk for purposes of the prohibition. Likewise, for **blood that one cooked in milk,**[H] he is **exempt,** as blood is not considered meat. Similarly, with regard to **the bones, the tendons, the horns, and the hooves that one cooked in milk,**[H] he is **exempt.**

NOTES

One is not flogged for eating – עַל אֲכִילָה לָא לָקֵי: The intention is that one is not flogged for eating forbidden fat cooked in milk with regard to violating the prohibition of meat cooked in milk. But one is flogged for violating the prohibition of eating forbidden fat.

HALAKHA

One who cooks meat in whey – הַמְבַשֵּׁל בְּמֵי חָלָב: One who cooks meat in whey is exempt from lashes for violating the prohibition of meat cooked in milk (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 87:6).

Blood that one cooked in milk – דָּם שֶׁבִּשְּׁלוֹ בְּחָלָב: One who cooks blood in milk is exempt from lashes for violating the prohibition of meat cooked in milk (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:6; *Shulḥan Arukh*, *Yoreh De'a* 87:6).

The bones, the tendons, the horns, and the hooves that one cooked in milk – הָעֲצָמוֹת וְהַגִּידִים וְהַקְּרָנַיִם וְהַטְּלָפַיִם שֶׁבִּשְּׁלָן בְּחָלָב: One who cooks skin, bones, tendons, or the soft roots of horns and hooves in milk is exempt from lashes. Likewise, one who eats this dish is exempt from lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:7; *Shulḥan Arukh*, *Yoreh De'a* 87:7).

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הַפִּגּוּל וְהַנּוֹתָר וְהַטָּמֵא שֶׁבִּשְּׁלָן בְּחָלָב – חַיָּיב!

The *Tosefta* continues: By contrast, with regard to prohibited ***piggul***[B] meat, i.e., meat from an offering that was sacrificed with the intent to sprinkle its blood or partake of its meat beyond its designated time, **and** similarly prohibited ***notar,***[B] meat from an offering whose period for consumption has expired, **and** the prohibited **impure** meat of an offering, **that one cooked in milk,** he is **liable** to be flogged for violating the prohibition of meat cooked in milk. This indicates that the prohibition applies to items already prohibited for consumption, contrary to the above opinion attributed to Rabbi Ami and Rabbi Asi.

הַאי תַּנָּא סְבַר אִיסּוּר חָל עַל אִיסּוּר.

The Gemara answers: **This *tanna*** of the *baraita* **maintains** in general that **a prohibition takes effect** where another **prohibition** already exists, whereas Rabbi Ami and Rabbi Asi are of the opposite opinion. It is conceivable that these Sages, who are *amora'im*, disagree with that *tanna*, as the issue of whether a prohibition takes effect where another prohibition already exists is a well-known dispute among the *tanna'im* themselves.

״הַמְבַשֵּׁל בְּמֵי חָלָב פָּטוּר״. מְסַיַּיע לֵיהּ לְרֵישׁ לָקִישׁ, דְּתָנַן: מֵי חָלָב – הֲרֵי הֵן כְּחָלָב, וְהַמּוֹחַל הֲרֵי הוּא כְּשֶׁמֶן. אָמַר רֵישׁ לָקִישׁ: לֹא שָׁנוּ אֶלָּא לְהַכְשִׁיר אֶת הַזְּרָעִים, אֲבָל לְעִנְיַן בִּישּׁוּל בָּשָׂר בְּחָלָב – מֵי חָלָב אֵינוֹ כְּחָלָב.

§ It was stated in the above *baraita*: **One who cooks** meat **in whey is exempt** from lashes. The Gemara comments: This ruling **supports** the opinion **of Reish Lakish, as we learned** in a mishna, with regard to liquids that render food susceptible to ritual impurity (*Makhshirin* 6:5): The halakhic status of **whey is like** that of **milk,**[H] which is one of the liquids that render food susceptible to impurity, **and** the halakhic status of olive **secretion is like** that of **oil,**[H] which also renders food susceptible to impurity. With regard to this mishna, **Reish Lakish says: They taught** this *halakha* **only** with regard to **rendering seeds,** i.e., produce, **susceptible** to impurity. **But with regard to cooking meat in milk,** the halakhic status of **whey is not like** that of **milk.**

תָּנוּ רַבָּנַן: ״בַּחֲלֵב אִמּוֹ״ – אֵין לִי אֶלָּא בַּחֲלֵב אִמּוֹ, בַּחֲלֵב פָּרָה וְרֵחֵל מִנַּיִן?

§ **The Sages taught** in a *baraita*: From the phrase **"in its mother's milk" I have** derived **only** that the prohibition applies **to** the **mother** goat's **milk. From where** do I derive that it also applies **to the milk of a cow and a ewe?**

אָמַרְתָּ, קַל וָחוֹמֶר: וּמָה אִמּוֹ שֶׁלֹּא נֶאֱסְרָה עִמּוֹ בְּהַרְבָּעָה – נֶאֱסְרָה עִמּוֹ בִּבְשׁוּלוֹ. פָּרָה וְרֵחֵל שֶׁנֶּאֱסְרוּ עִמּוֹ בְּהַרְבָּעָה – אֵינוֹ דִּין שֶׁנֶּאֱסְרוּ עִמּוֹ בִּבְשׁוּלוֹ! תַּלְמוּד לוֹמַר ״בַּחֲלֵב אִמּוֹ״.

You can **say an *a fortiori*** inference: **Just as** a kid's **mother, which is not prohibited for mating with** the kid, as they are of the same species, **is** nevertheless **prohibited for cooking with it,** as stated in the verse, **is it not right that a cow or a ewe, which are prohibited for mating with it,** as they are of different species, **should be prohibited for cooking with it?** Therefore, **the verse states** elsewhere: **"In its mother's milk,"** a second time, to include a cow and a ewe.

וְהָא לָמָּה לִי קְרָא? הָא אָתְיָא לֵיהּ!

The Gemara challenges the conclusion of the *baraita*. **But why do I** need **a verse? It was** just **derived** through the *a fortiori* inference.

BACKGROUND

***Piggul* – פִּגּוּל:** The *halakha* of *piggul* is based on the verse: "And if any of the flesh of the sacrifice of his peace offerings be at all eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offers it; it shall be a detestable thing [*piggul*]; the person who eats from it shall bear his iniquity" (Leviticus 7:18). The Sages interpreted the verse as referring to one who had the intent during the performance of the sacrificial rites in the Temple to eat from the offering or offer it on the altar after its appointed time. That disqualifies the offering, and one who eats it is liable to excision from the World-to-Come [*karet*]. In order for it to take effect, *piggul* intention must take place during one of the four sacrificial rites: Slaughtering the offering, receiving the blood, carrying the blood, and sprinkling the blood. Some early authorities hold that an offering is *piggul* only when the individual expresses *piggul* intent aloud.

Leftover [*notar*] – נוֹתָר: Any offering whose meat is eaten has a set deadline in the Torah for its consumption. For a thanks offering and a sin offering, for example, the meat may be eaten until the morning after its sacrifice, whereas a peace offering may be eaten for two days. After the deadline has passed, the leftover meat is called *notar*, and it may not be eaten nor may any benefit be derived from it. One who eats *notar* is liable to receive *karet*.

HALAKHA

The halakhic status of whey is like that of milk, etc. – מֵי חָלָב הֲרֵי הֵן כְּחָלָב וכו׳: Whey of milk has the status of milk with regard to rendering food susceptible to impurity, as explained by Reish Lakish (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 10:4).

The halakhic status of olive secretion is like that of oil, etc. – הַמּוֹחַל הֲרֵי הוּא כְּשֶׁמֶן וכו׳: Olive secretion has the status of oil with regard to rendering food susceptible to impurity, as explained by Reish Lakish (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 10:13).

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אֲמַר רַב אַשִׁי: מְשׁוּם דְּאִיכָּא לְמֵימַר, מֵעִיקָּרָא דִּדְינָא פִּירְכָא. מֵהֵיכָא קָא מַיְיתֵית לָהּ – מֵאִמּוֹ, מַה לְאִמּוֹ – שֶׁכֵּן נֶאֱסָרָה עִמּוֹ בִּשְׁחִיטָה, תֹּאמַר בְּפָרָה שֶׁלֹּא נֶאֱסָרָה עִמּוֹ בִּשְׁחִיטָה! תַּלְמוּד לוֹמַר ״בַּחֲלֵב אִמּוֹ״.

Rav Ashi said: It is needed **because one can say that** the **refutation of the** *a fortiori* **inference** is present **from the outset,** i.e., there is a difficulty with the comparison: **From where do you derive** the inference? It is derived **from its mother** goat, which the *baraita* presents as being treated more leniently than a cow or ewe since it may be mated with a kid. But there is a stringent aspect of the mother goat not shared by a cow or ewe: **What** is unique **about its mother?** It is unique **in that it is prohibited for slaughter with it,** since one may not slaughter an animal and its mother on the same day (see Leviticus 22:28). **Will you say** the same **about a cow, which is not prohibited for slaughter with it?** Therefore, **the verse states: "In its mother's milk,"** to include a cow and a ewe.

תַּנְיָא אִידָךְ: ״בַּחֲלֵב אִמּוֹ״ – אֵין לִי אֶלָּא בַּחֲלֵב אִמּוֹ, בַּחֲלֵב אֲחוֹתוֹ גְּדוֹלָה מִנַּיִן?

§ The above *baraita* accounts for two of the Torah's three mentions of the phrase "in its mother's milk." The Gemara now addresses the third. It **is taught** in **another** *baraita*: From one instance of the phrase **"in its mother's milk" I have** derived **only** that the prohibition applies **to the milk of its mother,** if the mother is less than a year old and has not yet entered the pen for the purpose of its owner's separating the annual animal tithe. **From where** do I derive that it also applies **to the milk of its older sister,** i.e., one that is more than a year old that has already entered the pen for the animal tithe in the previous year?

אָמַרְתָּ, קַל וָחוֹמֶר: וּמָה אִמּוֹ שֶׁנִּכְנְסָה עִמּוֹ לַדִּיר לְהִתְעַשֵּׂר – נֶאֱסָרָה עִמּוֹ בְּבִשּׁוּל. אֲחוֹתוֹ שֶׁלֹּא נִכְנְסָה עִמּוֹ לַדִּיר לְהִתְעַשֵּׂר – אֵינוֹ דִּין שֶׁנֶּאֱסָרָה עִמּוֹ בְּבִשּׁוּל! תַּלְמוּד לוֹמַר ״בַּחֲלֵב אִמּוֹ״.

You can **say an** *a fortiori* inference: **Just as** a kid's **mother, which enters the pen to be tithed with it,**[B] **is** nevertheless **prohibited for cooking with it, is it not right that its sister, which does not enter the pen to be tithed with it, should be prohibited for cooking with it?** Therefore, **the verse states** elsewhere: **"In its mother's milk,"** a third time, to include the older sister in the prohibition.

וְהָא לָמָּה לִי קְרָא? הָא אָתְיָא לֵיהּ! אֲמַר רַב אַשִׁי: מְשׁוּם דְּאִיכָּא לְמֵימַר, מֵעִיקָּרָא דִּדְינָא פִּירְכָא, מֵהֵיכָא קָא מַיְיתֵית לָהּ – מֵאִמּוֹ, מַה לְאִמּוֹ – שֶׁכֵּן נֶאֱסָרָה עִמּוֹ בִּשְׁחִיטָה, תֹּאמַר בַּאֲחוֹתוֹ גְּדוֹלָה – שֶׁלֹּא נֶאֱסָרָה עִמּוֹ בִּשְׁחִיטָה! תַּלְמוּד לוֹמַר ״בַּחֲלֵב אִמּוֹ״.

The Gemara asks: **But why do I** need **a verse? It was** just **derived** from the *a fortiori* inference. **Rav Ashi said:** It is needed **because one can say** that the **refutation of** that *a fortiori* **inference** is present **from the outset. From where do you derive** the inference? It is derived **from its mother.** But one may respond: **What** is unique **about its mother?** It is unique **in that it is prohibited for slaughter with it** on the same day. **Will you say** the same *halakhot* apply **to its older sister, which is not prohibited for slaughter with it?** Therefore, **the verse states: "In its mother's milk,"** including the older sister.

אַשְׁכַּחַן אֲחוֹתוֹ גְּדוֹלָה, אֲחוֹתוֹ קְטַנָּה מִנַּיִן? אָתְיָא מִבֵּינֵיהֶן.

The Gemara continues: **We have found** a source for the *halakha* that **its older sister** is included in the prohibition of meat cooked in milk. **From where** is it derived that the same applies to **its younger sister,** one that has not yet entered the pen for the tithe? The Gemara responds: **It is derived from between them,** i.e., from the combination of the mother and the older sister.

מֵהֵי תֵּיתֵי? תֵּיתֵי מֵאִמּוֹ – מַה לְאִמּוֹ שֶׁכֵּן נֶאֱסָרָה עִמּוֹ בִּשְׁחִיטָה! אֲחוֹתוֹ גְּדוֹלָה תּוֹכִיחַ. מַה לַאֲחוֹתוֹ גְּדוֹלָה שֶׁלֹּא נִכְנְסָה עִמּוֹ לַדִּיר לְהִתְעַשֵּׂר! אִמּוֹ תּוֹכִיחַ.

The Gemara elaborates on the need for both cases in order to derive the third: **From which** of the two cases **should it be derived?** If **it should be derived from its mother,** one can claim: **What** is unique **about its mother?** It is unique **in that it is prohibited for slaughter with it** on the same day, unlike the younger sister. One may respond: **Its older sister can prove** the point, since it is not prohibited for slaughter with the kid, but it is still included in the prohibition of meat cooked in milk. But this can be refuted as well: **What** is unique **about its older sister?** It is unique **in that it does not enter the pen to be tithed with it,** unlike the younger sister. One may respond that **its mother can** then **prove** the point, as it can enter the pen to be tithed with the kid and is still included in the prohibition.

BACKGROUND

Animal tithe – מַעְשַׂר בְּהֵמָה: On three occasions each year, the owner of a herd of kosher animals was required to gather into an enclosure all the young born during the preceding period and to let them out one by one. These animals were passed "under the shepherd's rod" (Leviticus 27:32), i.e., counted one by one, and every tenth animal that emerged from the pen was marked with red paint to indicate that it was sacred. The consecrated calves, kids, and lambs are called animal tithes. If it was fit to be sacrificed, the animal tithe was brought to the Temple and sacrificed in a manner similar to that of a peace offering: Its blood was sprinkled on the altar, and its meat was eaten by its owner. The details of the animal tithe are elucidated in tractate *Bekhorot*.

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וְחָזַר הַדִּין, לֹא רְאִי זֶה כִּרְאִי זֶה, וְלֹא רְאִי זֶה כִּרְאִי זֶה. הַצַּד הַשָּׁוֶה שֶׁבָּהֶן: שֶׁהוּא בָּשָׂר, וְאָסוּר לְבַשֵּׁל בְּחָלָב. אַף אֲנִי אָבִיא אֲחוֹתוֹ קְטַנָּה, שֶׁהוּא בָּשָׂר, וְאָסוּר לְבַשֵּׁל בְּחָלָב.

And consequently, **the inference has reverted** to its starting point: **The aspect of this** case **is not like the aspect of that** case **and the aspect of that** case **is not like the aspect of this** case;[8] **their common element** is **that** both the mother and older sister are **meat and** it is **prohibited to cook** them **in milk.** If so, **I will also include its younger sister** in the prohibition, **since it is** also **meat, and** therefore it is **prohibited to cook** it **in milk.**

אִי הָכִי, אֲחוֹתוֹ גְּדוֹלָה נַמִּי, תֵּיתֵי מִבֵּינַיָּא!

The Gemara challenges: **If so,** the inclusion of **its older sister** in the prohibition can **also be derived from between them,** i.e., from the combination of the kid's mother and a cow. Although both a cow and the mother possess unique stringencies not shared by the older sister, i.e., the prohibition of mating and of slaughtering with the kid, respectively, neither possesses both stringencies, and the *halakha* with regard to the older sister can be derived from their common element, i.e., that they are both meat and prohibited to cook in milk, as stated above. If so, what need is there to derive this *halakha* from the verse?

אִין הָכִי נַמִּי, אֶלָּא ״בַּחֲלֵב אִמּוֹ״ לָמָּה לִי? מִבָּעֵי לֵיהּ לְכִדְתַנְיָא: ״בַּחֲלֵב אִמּוֹ״ – אֵין לִי אֶלָּא בַּחֲלֵב אִמּוֹ,

The Gemara responds: **Yes,** it **is indeed so;** the *halakha* with regard to the older sister is derived from the common denominator of the mother and a cow. **Rather, why do I** need the verse's additional mention of the phrase **"in its mother's milk?" It is necessary for that which is taught** in a *baraita*: When the verse states: **"In its mother's milk," I have** derived **only** the prohibition to cook the kid **in its mother's milk;**

BACKGROUND

The aspect of this case is not like the aspect of that case and the aspect of that case is not like the aspect of this case – לֹא רְאִי זֶה כִּרְאִי זֶה וְלֹא רְאִי זֶה כִּרְאִי זֶה: This expression is used in halakhic midrash in formulating an analogy where a principle is derived on the basis of two *halakhot* in two different verses. First, the midrash articulates the difference between the two *halakhot*. Then it mentions the characteristic common to both. Any other case with that common element will be subject to the same ruling.

Perek **VIII**
Daf **114** Amud **b**

הֵיאַ עַצְמָהּ בַּחֲלָבָהּ מִנַּיִן? אָמַרְתָּ, קַל וָחוֹמֶר: וּמַה בְּמָקוֹם שֶׁלֹּא נֶאֱסַר פְּרִי עִם פְּרִי בִּשְׁחִיטָה – נֶאֱסַר פְּרִי עִם הָאֵם בִּשְׁחִיטָה. מָקוֹם שֶׁנֶּאֱסַר פְּרִי עִם פְּרִי בְּבִשּׁוּל, אֵינוֹ דִּין שֶׁנֶּאֱסַר פְּרִי עִם הָאֵם בְּבִשּׁוּל! תַּלְמוּד לוֹמַר ״בַּחֲלֵב אִמּוֹ״.

from where is it derived that the meat of a mother animal may not **itself** be cooked **in its** own **milk? Say an *a fortiori*** inference: **Just as** with regard to an issue **where** the **fruit is not prohibited with** the **fruit,** i.e., **slaughter,** as it is permitted to slaughter two offspring of one mother on one day, the **fruit is** nevertheless **prohibited for slaughter with the mother, is it not right that** with regard to an issue **where** the **fruit is prohibited with** the **fruit,** i.e., **cooking,** as it is prohibited to cook a mother's offspring with its milk, the **fruit,** i.e., the milk, **should be prohibited for cooking with the mother?** Therefore, **the verse states: "In its mother's milk,"** to prohibit the cooking of the meat of the mother in its own milk.

הָא לָמָּה לִי קְרָא? הָא אָתְיָא לָהּ! אֲמַר רַב אַחֲדְבוֹי בַּר אַמִּי: מְשׁוּם דְּאִיכָּא לְמֵימַר, סוּס בֶּן סוּסְיָא אֲחִי פִּרְדָּה יוֹכִיחַ, שֶׁאָסוּר פְּרִי עִם פְּרִי, וּמוּתָּר פְּרִי עִם הָאֵם!

The Gemara asks: **Why do I** need **a verse? It was** just **derived** *a fortiori*. **Rav Aḥadvoi bar Ami said:** The verse is necessary **because one can say** that the case of **a horse born of** both a stallion and **mare** but which is **the brother of a mule,** i.e., its mother also bore a mule after being impregnated by a donkey, **proves** this *a fortiori* inference invalid. **As** here the **fruit is prohibited with** the **fruit, but** the **fruit is permitted with the mother.** One may not mate a horse with a mule, but one may mate a horse with its mother.

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הָתָם זֶרַע הָאָב הוּא דְּקָא גָּרִים,

The Gemara rejects this: **There it is the seed of the father that effects** the prohibition of mating the mule with the daughter horse. The two may not be paired for reasons unrelated to their status as offspring of one mother. This ruling therefore proves nothing about the hypothesis that if two fruit cannot be paired, one can learn by *a fortiori* inference that the fruit cannot be paired with the mother.

דְּהָא פֶּרֶד בֶּן סוּסְיָא אֲחִי פִּרְדָּה יוֹכִיחַ, שֶׁמּוּתָּר פְּרִי עִם פְּרִי, וְאָסוּר פְּרִי עִם הָאֵם.

And this explanation must be true, **as** the case of **a mule born of** a donkey and **a mare** and which is **the brother of a female mule proves. As** here one **fruit is permitted with** the other **fruit,** i.e., one may mate the male and female mules since they are of the same species, **and** yet the **fruit is prohibited** to be mated **with the mother,** i.e., the mare. This case illustrates that the prohibition of crossbreeding is contingent on paternity, and does not rest solely on the relation between the mother and the fruit.

אֶלָּא אֲמַר מָר בְּרֵיהּ דְּרָבִינָא: מִשּׁוּם דְּאִיכָּא לְמֵימַר, עֶבֶד בֶּן שִׁפְחָה אֲחִי מְשׁוּחְרֶרֶת יוֹכִיחַ, שֶׁאָסוּר פְּרִי עִם פְּרִי, וּמוּתָּר פְּרִי עִם הָאֵם!

Rather, Mar, son of Ravina, said: The *a fortiori* inference is invalid **because one can say that** the case of a male Canaanite **slave born of a female slave** and who is **the brother of a female freed** slave **proves** it invalid. **As** here the **fruit is prohibited with** the **fruit,** i.e., the slave may not engage in sexual intercourse with his freed sister, **and** yet the **fruit is permitted with** his slave **mother.**[N]

הָתָם גֵּט שִׁיחְרוּר הוּא דְּקָא גָּרִים, דְּהָא עֶבֶד בֶּן מְשׁוּחְרֶרֶת אֲחִי שִׁפְחָה יוֹכִיחַ, שֶׁמּוּתָּר פְּרִי עִם פְּרִי, וְאָסוּר פְּרִי עִם הָאֵם.

The Gemara rejects this as well: **There it is the bill of manumission that effects** the prohibition. The slave is prohibited to his sister only because she has been freed, not because they are both fruit of one mother, **as** the case of a male **slave, son of a female freed** slave, and **the brother of a female slave proves. As** here the **fruit is permitted with** the **fruit,** i.e., he is permitted to his sister, since they are both slaves, **and** yet the **fruit is prohibited with** his released **mother,** as she is now considered a full-fledged Jew. Clearly the prohibition is entirely contingent on the emancipation of one of the slaves, irrespective of their relationship.

אֶלָּא אֲמַר רַב אִידִי בַּר אָבִין: מִשּׁוּם דְּאִיכָּא לְמֵימַר, כִּלְאֵי זְרָעִים יוֹכִיחוּ, שֶׁאָסוּר פְּרִי עִם פְּרִי, וּמוּתָּר פְּרִי עִם הָאֵם! כְּלוּם נֶאֱסַר פְּרִי עִם פְּרִי אֶלָּא עַל יְדֵי הָאֵם, דְּהָא חִיטֵּי וְשַׂעֲרֵי בְּכַדָּא, וְלָא מִיתְּסְרוּ.

Rather, Rav Idi bar Avin said: The *a fortiori* inference is invalid **because one can say** that the case of **diverse kinds of seeds proves** it invalid. **As** it **is prohibited** to sow **fruit** of one species **with fruit** of another species, **and** yet it is **permitted** to sow all types of **fruit with the mother,** i.e., the ground, from which all fruit grows. The Gemara rejects this as well: **Isn't fruit** of one species **with fruit** of another species **prohibited only by means of the mother,** i.e., the ground? The prohibition of sowing diverse seeds applies only when they are both sown in the ground, **as wheat and barley** can be placed **in** a single **jug and they are not prohibited.**

אֶלָּא אֲמַר רַב אַשִׁי: מִשּׁוּם דְּאִיכָּא לְמֵימַר, מַה לִּפְרִי עִם פְּרִי שֶׁכֵּן שְׁנֵי גוּפִים, תֹּאמַר בִּפְרִי עִם הָאֵם שֶׁכֵּן גּוּף אֶחָד, מִשּׁוּם הָכִי אִיצְטְרִיךְ קְרָא.

Rather, Rav Ashi said: The *a fortiori* inference is invalid **because one can say: What** is unique **about fruit with fruit,** e.g., the kid and its mother's milk, which are prohibited for cooking together? They are unique **in that** they are **two** separate **bodies** that were never unified. Must **you say** the same prohibition of pairing applies **to** the **fruit with the mother,** i.e., the mother's meat and its milk, **which** were once **one body? Due to this** reason, **the** extra **verse** stating: "In its mother's milk," **was necessary** to include the meat and milk of the same animal in the prohibition.

אָמַר רַב אַשִׁי: מִנַּיִן לְבָשָׂר בְּחָלָב שֶׁאָסוּר בַּאֲכִילָה? שֶׁנֶּאֱמַר "לֹא תֹאכַל כָּל תּוֹעֵבָה" – כָּל שֶׁתִּתְעַבְתִּי לְךָ, הֱוֵי הוּא בְּ"בַל תֹּאכַל".

§ **Rav Ashi says: From where** is it derived **that meat** cooked **in milk is prohibited for consumption,** even though the verse explicitly prohibits only cooking? It is derived from a verse, **as it is stated** elsewhere: **"You shall not eat any abominable thing"** (Deuteronomy 14:3). This verse teaches that with regard to **any** practice **that I have made abominable,** i.e., forbidden, **to you,** the product **is prohibited for consumption.**

NOTES

The fruit is permitted with his slave mother – וּמוּתָּר פְּרִי עִם הָאֵם: The straightforward interpretation of the Gemara appears to be that it is permitted for a slave to engage in intercourse with his own mother while she is a slave. This interpretation is in accordance with the Gemara in tractate *Sanhedrin* (58b). But Rashi here apparently does not accept the notion that it is permitted for a slave to engage in intercourse with his mother. Rashi instead interprets this statement to mean that it is permitted for a slave to engage in intercourse with another female Canaanite slave, who has the same status as his mother.

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וְאֵין לִי אֶלָּא בַּאֲכִילָה, בַּהֲנָאָה מִנַּיִן? כִּדְרַבִּי אַבָּהוּ, דְּאָמַר רַבִּי אַבָּהוּ, אָמַר רַבִּי אֶלְעָזָר: כָּל מָקוֹם שֶׁנֶּאֱמַר ״לֹא יֹאכַל״, ״לֹא תֹאכַל״, ״לֹא תֹאכְלוּ״ – אֶחָד אִיסּוּר אֲכִילָה וְאֶחָד אִיסּוּר הֲנָאָה בְּמַשְׁמָע, עַד שֶׁיִּפְרוֹט לְךָ הַכָּתוּב כְּדֶרֶךְ שֶׁפֵּרַט לְךָ בִּנְבֵלָה – לַגֵּר בִּנְתִינָה וְלַגּוֹי בִּמְכִירָה.

And I have derived **only** that meat cooked in milk is prohibited **with regard to consumption; from where** do I derive that it is also prohibited **with regard to benefit?** It is derived **in accordance with** the statement **of Rabbi Abbahu, as Rabbi Abbahu says** that **Rabbi Elazar says: Wherever it is stated,** "**He shall not eat,**" or "**you,**" in the singular, "**shall not eat,**" or "**you,**" in the plural, "**shall not eat,**"[H] **both a prohibition** against **eating and a prohibition** against deriving **benefit** are indicated. This is so **unless the verse specifies for you** that one may derive benefit, **in the manner that it specified for you with regard to an animal carcass,** from which the verse explicitly permits one to derive benefit, as it states: "You may sell it to a foreigner" (Deuteronomy 14:21). Accordingly, one may provide such meat **to** a gentile **resident alien** in Eretz Yisrael **by giving** it to him as a gift, **and to** any other **gentile by sale.**[H]

דְּתַנְיָא: ״לֹא תֹאכְלוּ כָּל נְבֵלָה לַגֵּר אֲשֶׁר בִּשְׁעָרֶיךָ תִּתְּנֶנָּה וַאֲכָלָהּ אוֹ מָכֹר לְנָכְרִי״ – אֵין לִי אֶלָּא לַגֵּר בִּנְתִינָה, וְלַגּוֹי בִּמְכִירָה, לַגֵּר בִּמְכִירָה מִנַּיִן? תַּלְמוּד לוֹמַר ״לַגֵּר...תִּתְּנֶנָּה... אוֹ מָכֹר״.

As it is taught in a *baraita*: The verse states: "**You shall not eat of any unslaughtered animal carcass; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner;** for you are a sacred people to the Lord your God." From this verse **I have** derived **only** that it is permitted to provide such meat **to a resident alien through giving and to a gentile through selling. From where** is it derived that it is permitted to transfer an unslaughtered animal **to a resident alien through selling** as well? **The verse states: "You may give it to the stranger… or you may sell it,"** indicating that one has the option to do either of these.

לַגּוֹי בִּנְתִינָה מִנַּיִן? תַּלְמוּד לוֹמַר ״תִּתְּנֶנָּה... אוֹ מָכֹר לְנָכְרִי״. נִמְצָא, אֶחָד גֵּר וְאֶחָד גּוֹי – בֵּין בִּמְכִירָה בֵּין בִּנְתִינָה, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: דְּבָרִים כִּכְתָבָן, לַגֵּר – בִּנְתִינָה, וְלַגּוֹי – בִּמְכִירָה.

The *baraita* continues: **From where** is it derived that it is permitted **to a gentile through giving** as well? **The verse states: "You may give it… or you may sell it to a foreigner."** Consequently, **one finds** that he may transfer an animal carcass to **both a resident alien and a gentile, both through selling or through giving.** This is **the statement of Rabbi Meir. Rabbi Yehuda says:** These **matters are** to be understood **as they are written;** one may transfer an unslaughtered animal carcass **to a resident alien** only **through giving, and to a gentile** only **through selling.**

מַאי טַעְמָא דְּרַבִּי יְהוּדָה? אִי סָלְקָא דַּעְתָּךְ כִּדְקָאָמַר רַבִּי מֵאִיר, לִכְתּוֹב רַחֲמָנָא ״לֹא תֹאכְלוּ כָּל נְבֵלָה לַגֵּר אֲשֶׁר בִּשְׁעָרֶיךָ תִּתְּנֶנָּה וַאֲכָלָהּ וּמָכֹר״, ״אוֹ״ לָמָּה לִי? שְׁמַע מִינָּהּ: לְדָבָרִים כִּכְתָבָן הוּא דַּאֲתָא, לַגֵּר – בִּנְתִינָה, וְלַגּוֹי בִּמְכִירָה.

The Gemara asks: **What is the reason for** the opinion of **Rabbi Yehuda?** The Gemara responds: Rabbi Yehuda holds that **if it enters your mind** to understand the verse **in accordance** with that which **Rabbi Meir says,** then **let the Merciful One write: You shall not eat of any animal carcass, you may give it to the resident alien who is within your gates that he may eat it and** also **you may sell it** to a foreigner. **Why do I** need the word "**or**" between these two options? **Learn from it that it comes to** teach that the **matters are** to be understood **as they are written: To a resident alien through giving** alone, **and to** any other **gentile through selling.**

וְרַבִּי מֵאִיר אֲמַר לָךְ: הַאי ״אוֹ״ – לְהַקְדִּים נְתִינָה דְּגֵר לִמְכִירָה דְּגוֹי. וְרַבִּי יְהוּדָה – לְהַקְדִּים נְתִינָה דְּגֵר לִמְכִירָה דְּגוֹי לָא צְרִיךְ קְרָא, סְבָרָא הוּא: זֶה אַתָּה מְצוּוֶּה לְהַחֲיוֹתוֹ, וְזֶה אִי אַתָּה מְצוּוֶּה לְהַחֲיוֹתוֹ.

The Gemara asks: **And** how does **Rabbi Meir** explain the wording of the verse? The Gemara answers: Rabbi Meir could **say to you** that **this** word "**or**" teaches one **to prioritize to giving to a resident alien over selling to a gentile. And Rabbi Yehuda** holds that the **priority of giving to a resident alien over selling to a gentile does not require a verse,** as **it is** based on **logical reasoning: You are commanded** by the Torah **to sustain this** resident alien, **but you are not commanded to sustain that** gentile.

HALAKHA

כָּל מָקוֹם שֶׁנֶּאֱמַר לֹא יֹאכַל – לֹא תֹאכַל לֹא תֹאכְלוּ: Wherever the Torah states one of the expressions: "He shall not eat"; "you," in the singular, "shall not eat"; or "you," in the plural, "shall not eat," it means that one may neither eat nor derive benefit from the prohibited item, unless the verse explicitly permits deriving benefit (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 8:15).

לַגֵּר בִּנְתִינָה וְלַגּוֹי בִּמְכִירָה: To a resident alien by giving it as a gift, and to any other gentile by sale – One may not give a gift, such as an animal carcass, to a gentile if it is undeserved. Rather, one may only sell such items to him. But one may give an undeserved gift to a resident alien (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 10:4).

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(סִימָן: שַׁבָּת חוֹרֵשׁ וּכְלְאֵי זְרָעִים אוֹתוֹ וְאֶת בְּנוֹ וְשִׁילּוּחַ הַקֵּן).

§ The Gemara provides **a mnemonic** device for the topics that will be discussed: **Shabbat; plows; and diverse kinds of seeds; a mother and its offspring; and sending** away of the mother bird from **the nest.**

אֶלָּא מֵעַתָּה

Rav Ashi stated above that the product of any practice described in the Torah as abominable is prohibited for consumption. The Gemara asks: **If that is so,**

Perek **VIII**
Daf **115** Amud **a**

מַעֲשֶׂה שַׁבָּת לִיתַּסְרוּ, דְּהָא ״תִּיעַבְתִּי לְךָ״ הוּא!

then **let** the product of **an action** that desecrates **Shabbat,** e.g., food cooked on Shabbat, **be prohibited** for consumption, **as** desecration of Shabbat **is** a practice of which God states: **I have made** it **abominable to you,** in that it is prohibited to cook on Shabbat. How can this food be prohibited only to the one who cooked it as a penalty by rabbinic law, but be permitted to others (see 15a)?

אֲמַר קְרָא: ״כִּי קֹדֶשׁ הִיא לָכֶם״ – הִיא קֹדֶשׁ, וְאֵין מַעֲשֶׂיהָ קֹדֶשׁ.

The Gemara answers: A product of the desecration of Shabbat is an exception to the rule, as **the verse states** with regard to Shabbat: "**For it is sacred to you**" (Exodus 31:14). One may infer: **It,** Shabbat itself, **is sacred, but** the products of **actions** that desecrate **it are not sacred,** i.e., not prohibited.

חוֹרֵשׁ בְּשׁוֹר וּבַחֲמוֹר, וְחוֹסֵם פִּי פָּרָה וְדָשׁ בָּהּ לִיתַּסְרוּ, דְּהָא ״תִּיעַבְתִּי לְךָ״ הוּא!

The Gemara raises another difficulty: If **one plows with an ox and with a donkey** together, thereby violating the prohibition in Deuteronomy 22:10, **or** if **one muzzles**[B] **the mouth of a cow and threshes with it,** thereby violating the prohibition in Deuteronomy 25:4, the seeds or threshed grain **should be prohibited** for consumption according to the above principle, **as** these are both practices **I have made abominable to you.**

הָשְׁתָּא, וּמַה שַׁבָּת דַּחֲמִירָא – מַעֲשֶׂיהָ מוּתָּרִים, הָנֵי – לֹא כָּל שֶׁכֵּן?

The Gemara responds: **Now** that it has been established that products of desecration of Shabbat are permitted, one can derive the following using an *a fortiori* inference: **Just as** with regard to **Shabbat, which is** treated more **stringently,** the products of prohibited **actions are permitted;** is it **not all the more so** with regard to **these** prohibitions of plowing with an ox and a donkey and threshing with a muzzled animal, which are treated less stringently, that the products of prohibited actions should be permitted?

כִּלְאֵי זְרָעִים לִיתַּסְרוּ, דְּהָא ״תִּיעַבְתִּי לְךָ״ הוּא! מִדְּגַלֵּי רַחֲמָנָא גַּבֵּי כִּלְאֵי הַכֶּרֶם: ״פֶּן תִּקְדַּשׁ״ – פֶּן תּוּקַד אֵשׁ, מִכְּלָל דִּכְלְאֵי זְרָעִים שָׁרוּ.

The Gemara challenges: **Diverse kinds of seeds** sown together **should be prohibited** for consumption, **as** this **is** a matter whose practice **I have made abominable to you.** The Gemara explains: One learns otherwise **from** the fact **that the Merciful One revealed with regard to diverse kinds in a vineyard:** "You shall not sow your vineyard with two kinds of seed; **lest** the growth of the seed that you will sow **be forfeited** [***pen tikdash***]" (Deuteronomy 22:9). The Sages read the phrase "be forfeited [*pen tikdash*]" as though it states: **Lest it be burned** [***pen tukad esh***], indicating that diverse kinds in a vineyard must be destroyed so that no benefit is derived from them. Since this is stated specifically with regard to a vineyard, one can conclude **by inference that** other **diverse kinds of seeds are permitted.**

BACKGROUND

Muzzles – חוֹסֵם: It is prohibited for one to employ an animal for any labor associated with food, e.g., threshing, while preventing it from eating the food during its work (Deuteronomy 25:4). Violation of this prohibition is punishable by lashes.

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וְאֵימָא: כִּלְאֵי כֶּרֶם – אֲסוּרִין בֵּין בַּאֲכִילָה בֵּין בַּהֲנָאָה, כִּלְאֵי זְרָעִים – בַּאֲכִילָה אֲסִירִי, בַּהֲנָאָה שָׁרוּ! אִיתְקוּשׁ לְכִלְאֵי בְּהֵמָה דִּכְתִיב ״בְּהֶמְתְּךָ לֹא תַרְבִּיעַ כִּלְאָיִם שָׂדְךָ לֹא תִזְרַע כִּלְאָיִם״. מַה בְּהֶמְתְּךָ – הַיּוֹצֵא מִמֶּנָּה מוּתָּרֶת, אַף שָׂדְךָ – הַיּוֹצֵא מִמֶּנּוּ מוּתָּר.

The Gemara objects: **But say** instead that the uniqueness of **diverse kinds in a vineyard** is that they **are prohibited both for consumption and for benefit,** whereas **diverse kinds of seeds are prohibited for consumption** but **are permitted for benefit.** The Gemara responds: One cannot say that diverse kinds of seeds are prohibited for consumption, as **they are juxtaposed** in the Torah **to diverse kinds of animals,** whose offspring are permitted. **As it is written: "You shall not let your cattle mate with a diverse kind; you shall not sow your field with two kinds of seed"** (Leviticus 19:19). The juxtaposition teaches that **just as** with regard to **your cattle,** the animal **that comes from** diverse species **is permitted, so too,** with regard to **your field, that** produce **that comes from** diverse seeds **is permitted.**

וְכִלְאֵי בְּהֵמָה גּוּפַיְיהוּ מְנָא לָן? מִדַּאֲסַר רַחֲמָנָא כִּלְאַיִם לַגָּבוֹהַּ – מִכְּלָל דִּלְהֶדְיוֹט שָׁרֵי.

The Gemara asks: **And** with regard to **diverse kinds of animals themselves, from where do we** derive that their offspring is permitted? The Gemara answers: **From** the fact **that the Merciful One prohibits** the offspring of **diverse kinds** of animals for sacrifice **to the Most High** upon the altar (see 38b), learn **by inference that they are permitted to ordinary** people for consumption.

אוֹתוֹ וְאֶת בְּנוֹ לִיתְסַר! מִדַּאֲסַר רַחֲמָנָא מְחוּסַּר זְמַן לַגָּבוֹהַּ – מִכְּלָל דִּלְהֶדְיוֹט שָׁרֵי.

The Gemara raises another difficulty: **A mother and its offspring** slaughtered on the same day **should be prohibited** for consumption, as this too is a practice made abominable. The Gemara answers: **From** the fact **that the Merciful One prohibits** an animal **whose time has not yet** arrived, i.e., that is less than eight days old, as an offering **to the Most High** (Leviticus 22:27), learn **by inference that** such animals are **permitted to ordinary** people for consumption. The offspring of a mother slaughtered that day is also considered an animal whose time has not yet arrived, since the prohibition against slaughtering it is limited to that day.

שִׁילּוּחַ הַקֵּן לִיתְסַר! לֹא אָמְרָה תּוֹרָה שִׁלַּח לְתַקָּלָה.

The Gemara raises a final difficulty: If one violated the mitzva that mandates **sending** away the mother bird from **the nest,** as it is stated: "You shall not take the mother with the young. You shall in any way let the mother go" (Deuteronomy 22:6–7), and the court instructed him to set the mother bird free, that mother bird **should be prohibited** to all, as this practice is also abominable. The Gemara responds: **The Torah did not say: Send** it away, if doing so could lead **to a mishap.** If the bird were prohibited, the Torah would not have commanded one to send it away, as others might eat it unwittingly.

אָמַר רֵישׁ לָקִישׁ: מִנַּיִן לְבָשָׂר בְּחָלָב שֶׁאָסוּר – תַּלְמוּד לוֹמַר: ״אַל תֹּאכְלוּ מִמֶּנּוּ נָא וּבָשֵׁל מְבֻשָּׁל״. שֶׁאֵין תַּלְמוּד לוֹמַר ״מְבֻשָּׁל״, מַה תַּלְמוּד לוֹמַר ״מְבֻשָּׁל״ – לוֹמַר לְךָ: יֵשׁ לְךָ בִּשּׁוּל אַחֵר שֶׁהוּא כָּזֶה, וְאֵי זֶה – זֶה בָּשָׂר בְּחָלָב.

§ **Reish Lakish says: From where** is it derived **that meat** cooked **in milk is prohibited** for consumption? **The verse states** with regard to the Paschal offering: "**You shall not eat it partially roasted, nor boiled in any way**" (Exodus 12:9). **As** there is **no** need for **the verse to state:** "Boiled **in any way,**" since it could simply have stated: "Boiled." **What** is the meaning when **the verse states:** "Boiled **in any way?**" It is included **to tell you** that **there is another** manner of **cooking,** the product of **which is** prohibited **like this one. And which** cooking **is this? This is meat** cooked **in milk.**

אָמַר לוֹ רַבִּי יוֹחָנָן:

Rabbi Yoḥanan said to Reish Lakish:

Perek **VIII**
Daf **115** Amud **b**

כְּעִוּרָה זוֹ שָׁשָׁנָה רַבִּי: ״לֹא תֹאכְלֶנּוּ״ – בְּבָשָׂר בְּחָלָב הַכָּתוּב מְדַבֵּר.

Is that derivation **that Rabbi** Yehuda HaNasi **taught ugly,** that you derive a new one? The verse states with regard to an animal's blood: "You shall not eat it; you shall pour it upon the earth as water" (Deuteronomy 12:24), and the next verse adds: **"You shall not eat it;** that it may go well with you, and with your children after you." Rabbi Yehuda HaNasi teaches that the redundant second verse is not referring to the prohibition of blood. Rather, **the verse is speaking of** the prohibition of **meat** cooked **in milk,** teaching that it is prohibited for consumption.

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אַתָּה אוֹמֵר – בְּבָשָׂר בְּחָלָב הַכָּתוּב מְדַבֵּר, אוֹ אֵינוֹ אֶלָּא בְּאֶחָד מִכָּל הָאִיסּוּרִין שֶׁבַּתּוֹרָה? אָמַרְתָּ: צֵא וּלְמַד מִשְּׁלֹשׁ עֶשְׂרֵה מִדּוֹת שֶׁהַתּוֹרָה נִדְרֶשֶׁת בָּהֶן, דָּבָר הַלָּמֵד מֵעִנְיָנוֹ. בַּמֶּה הַכָּתוּב מְדַבֵּר – בִּשְׁנֵי מִינִין, אַף כָּאן – בִּשְׁנֵי מִינִין?

Do you say that **the verse is speaking of** the prohibition of **meat** cooked **in milk? Or** perhaps **it is only** referring **to one of the** other **prohibitions in the Torah? You say: Go out and learn from the thirteen hermeneutical principles,** one of which is: **A matter that is derived from its context.**[N] **To what are the** adjacent **verses referring?** They are referring **to** consecrated animals that were redeemed, which are a combination of **two types:**[N] They are non-sacred in that they may be eaten, but they are prohibited for shearing and work, like consecrated animals. **Here too,** one may conclude that the verse is referring **to** a prohibition that involves **two types** of food, i.e., the prohibition of meat cooked in milk.

אִי מֵהֵיכָא – הָווֹ אָמְרִינָא: הָנֵי מִילֵּי – בַּאֲכִילָה, אֲבָל בַּהֲנָאָה – לָא, קָמַשְׁמַע לָן.

Reish Lakish replied to Rabbi Yoḥanan: My exposition is still necessary, since **if** the source for the prohibition of eating meat cooked in milk were **from that** verse cited by Rabbi Yehuda HaNasi alone, **I would say** that **this statement** applies only **to** the prohibition of **eating** meat cooked in milk, **but not to** that of deriving **benefit** from it. The verse cited with regard to the Paschal offering **teaches us** that even deriving benefit is prohibited, just as it is prohibited to derive benefit from a disqualified Paschal offering.

וְרַבִּי, בַּהֲנָאָה, מְנָא לֵיהּ? נָפְקָא לֵיהּ מֵהָכָא, נֶאֱמַר כָּאן: ״כִּי עַם קָדוֹשׁ אַתָּה לַה׳״ וְנֶאֱמַר לְהַלָּן: ״וְלֹא יִהְיֶה קָדֵשׁ בִּבְנֵי יִשְׂרָאֵל״. מַה לְּהַלָּן – בַּהֲנָאָה, אַף כָּאן – בַּהֲנָאָה.

The Gemara asks: **And Rabbi** Yehuda HaNasi, **from where** does he derive that meat cooked in milk is prohibited **for benefit?** The Gemara responds: **He derives it from here,** as **it is stated here: "For you are a sacred** [***kadosh***] **people unto the Lord** your God. You shall not cook a kid in its mother's milk" (Deuteronomy 14:21). **And it is stated below: "Neither shall there be a sodomite** [***kadesh***] **of the sons of Israel"** (Deuteronomy 23:18). The similar expressions teach that **just as below,** the prohibition of sodomy is a prohibition that involves enjoyment, i.e., deriving **benefit,** not eating, **so too here,** meat cooked in milk is prohibited **with regard to** deriving **benefit.**

דְּבֵי רַבִּי אֱלִיעֶזֶר תָּנָא: ״לֹא תֹאכְלוּ כָל נְבֵלָה״ [וגו׳] אָמְרָה תּוֹרָה – כְּשֶׁתִּמְכְּרֶנָּה, לֹא תְּבַשְּׁלֶנָּה וְתִמְכְּרֶנָּה.

The school of Rabbi Eliezer taught: The verse states: **"You shall not eat of any animal carcass;** you may give it to the stranger who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God; you shall not cook a kid in its mother's milk" (Deuteronomy 14:21). **The Torah stated** the prohibition of meat cooked in milk after the *halakha* of an animal carcass to teach that **when you sell** a carcass to a gentile, **you shall not cook it** in milk **and** then **sell it,** i.e., meat cooked in milk is prohibited for benefit and may not be sold.

דְּבֵי רַבִּי יִשְׁמָעֵאל תָּנָא: ״לֹא תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ״ שָׁלֹשׁ פְּעָמִים, אֶחָד – לְאִיסּוּר אֲכִילָה, וְאֶחָד – לְאִיסּוּר הֲנָאָה, וְאֶחָד – לְאִיסּוּר בִּשּׁוּל.

The school of Rabbi Yishmael taught: The Torah states **three times: "You shall not cook a kid in its mother's milk"** (Exodus 23:19, 34:26; Deuteronomy 14:21). **One** verse serves **to** teach **the prohibition** against **eating** meat cooked in milk, **and one** serves **to** teach **the prohibition** against deriving **benefit** from it, **and one** serves **to** teach **the prohibition** against **cooking**[H] meat in milk.

תַּנְיָא, אִיסִּי בֶּן יְהוּדָה אוֹמֵר: מִנַּיִן לְבָשָׂר בְּחָלָב שֶׁאָסוּר – נֶאֱמַר כָּאן: ״כִּי עַם קָדוֹשׁ אַתָּה״, וְנֶאֱמַר לְהַלָּן ״וְאַנְשֵׁי קֹדֶשׁ תִּהְיוּן לִי וּבָשָׂר בַּשָּׂדֶה טְרֵפָה לֹא תֹאכֵלוּ״. מַה לְּהַלָּן – אָסוּר, אַף כָּאן – אָסוּר.

It is taught in a *baraita*: **Isi ben Yehuda says: From where** is it derived **that it is prohibited** to eat **meat** cooked **in milk? It is stated here: "For you are a sacred people** unto the Lord your God. You shall not cook a kid in its mother's milk" (Deuteronomy 14:21). **And it is stated below: "And you shall be sacred men unto Me; therefore you shall not eat any flesh that is torn of animals in the field** [***tereifa***]**;** you shall cast it to the dogs" (Exodus 22:30). **Just as below it is prohibited** to eat a *tereifa,* **so too here it is prohibited** to eat meat cooked in milk.

וְאֵין לִי אֶלָּא בַּאֲכִילָה, בַּהֲנָאָה מִנַּיִן? אָמַרְתָּ: קַל וָחוֹמֶר, וּמָה עָרְלָה שֶׁלֹּא נִתְּנָה בָּהּ עֲבֵירָה – אָסוּרָה בַּהֲנָאָה, בָּשָׂר בְּחָלָב שֶׁנִּתְּנָה בּוֹ עֲבֵירָה – אֵינוֹ דִּין שֶׁאָסוּר בַּהֲנָאָה!

And from this **I have** derived **only** that it is prohibited **for consumption. From where** do I derive that it is prohibited **for benefit** as well? **You** can **say** it can be derived by **an *a fortiori*** inference: **Just as** with regard to the prohibition against eating **the fruit of a tree during the first three years after its planting** [***orla***],[B] which is treated less stringently **as no sin has been committed in** the planting of the tree and its production of fruit, **it is prohibited for benefit, is it not right that meat** cooked **in milk, with regard to which a sin has been committed, should be prohibited for benefit?**

NOTES

From the thirteen hermeneutical principles, one of which is a matter that is derived from its context – מִשְּׁלֹשׁ עֶשְׂרֵה מִדּוֹת שֶׁהַתּוֹרָה נִדְרֶשֶׁת בָּהֶן דָּבָר הַלָּמֵד מֵעִנְיָנוֹ: The principle: A matter that is derived from its context, dictates that the meaning of an ambiguous verse in the Torah should be derived from the adjacent passage. This principle is included in the seven hermeneutical principles listed by Hillel the Elder (Introduction to *Torat Kohanim*; *Tosefta Sanhedrin* 7; *Avot deRabbi Natan* 37), as well as Rabbi Yishmael's thirteen hermeneutical principles (Introduction to *Torat Kohanim*; see 63a and *Sanhedrin* 87a).

To two types – בִּשְׁנֵי מִינִין: The early commentaries disagree as to the meaning of this statement. Some say that consecrated animals that became disqualified and were redeemed are considered a combination of two types: In certain respects they are like non-sacred animals, as they are permitted for consumption to everyone, whereas in other aspects they are like consecrated animals, as it is prohibited to shear and work them (Rashi). Others claim that the reference is to the juxtaposition of redeemed consecrated animals to the gazelle and the hart (see Deuteronomy 12:22; see 28a). Since the gazelle and the hart are two different species, consecrated animals that were redeemed are treated as a combination of two species with regard to various *halakhot* (*Tosafot*).

HALAKHA

One to teach the prohibition against eating and one to teach the prohibition against deriving benefit and one to teach the prohibition against cooking – אֶחָד לְאִיסּוּר אֲכִילָה וְאֶחָד לְאִיסּוּר הֲנָאָה וְאֶחָד לְאִיסּוּר בִּשּׁוּל: The Torah states three times: "You shall not cook a kid in its mother's milk" (Exodus 23:19; Exodus 34:26; Deuteronomy 14:21). One verse serves to teach the prohibition against cooking meat in milk, one verse serves to teach the prohibition against eating meat cooked in milk, and one verse serves to teach the prohibition against deriving benefit from meat cooked in milk. The Torah formulates all three prohibitions using the term "cook" in order to teach that by Torah law only meat and milk that are cooked together are prohibited. By rabbinic law it is prohibited to eat any combination of meat and milk (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 9:1; *Shulḥan Arukh, Yoreh De'a* 87:1).

BACKGROUND

***Orla* – עָרְלָה:** It is prohibited to eat or derive benefit from fruit that grows during the first three years after a tree has been planted (see Leviticus 19:23). This prohibition applies only to the fruit but not to the other parts of the tree. In addition, the prohibition does not apply to trees planted as a fence for property or as a wind buffer rather than for their fruit.

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PERSONALITIES

Rav Mordekhai – **רַב מָרְדְּכַי**: Rav Mordekhai was a Babylonian *amora* of the sixth and seventh generations, and a student of Rav Ashi. There was also an *amora* of this name who was a student of Rava, but he was presumably a different Sage. Although Rav Mordekhai engaged in talmudic discussions with Rav Ashi, apparently Rav Ashi was not his primary source of Torah knowledge. Rather, he possessed many earlier traditions that he received from other Sages. Rav Mordekhai would report these traditions to Rav Ashi, sometimes in order to resolve difficulties that Rav Ashi had with the traditions he had received, as is the case here. Rav Mordekhai outlived Rav Ashi, and he served as a source for clarifying the statements of Rav Ashi in the following generation.

מַה לְּעָרְלָה – שֶׁבֵּן לֹא הָיְתָה לָהּ שְׁעַת הַכּוֹשֶׁר.

The Gemara rejects this, as *orla* exhibits a unique stringency: **What** is unique **about *orla*?** It is unique **in that it never had a time when it was fit.** The same cannot be said about meat and milk, which were each permitted on their own before being cooked together.

חָמֵץ בְּפֶסַח יוֹכִיחַ – שֶׁהָיְתָה לוֹ שְׁעַת הַכּוֹשֶׁר, וְאָסוּר בַּהֲנָאָה. מַה לְּחָמֵץ בְּפֶסַח – שֶׁכֵּן עָנוּשׁ כָּרֵת!

The Gemara suggests: **Let leavened bread on Passover prove** the point, **as it had a time when it was fit,** before Passover, **and** yet **it is prohibited for benefit.** The Gemara rejects this inference as well: **What** is unique **about** consumption of **leavened bread on Passover?** It is unique **in that it is punishable by *karet*,** unlike the prohibition of meat cooked in milk.

כִּלְאֵי הַכֶּרֶם יוֹכִיחוּ – שֶׁאֵין עָנוּשׁ כָּרֵת, וְאָסוּר בַּהֲנָאָה.

The Gemara comments: **Let** the prohibition of **diverse kinds in a vineyard prove** the point, **as** it **is not punishable by *karet*, and** yet **it is prohibited to** derive **benefit** from the product.

לָמָּה לִי גְּזֵירָה שָׁוָה? לֵיתֵי כּוּלָּהּ בְּקַל וָחוֹמֶר מֵעָרְלָה, וּמָה עָרְלָה שֶׁלֹּא נֶעֱבְדָה בָּהּ עֲבֵירָה – אֲסוּרָה בֵּין בַּאֲכִילָה בֵּין בַּהֲנָאָה, בָּשָׂר בְּחָלָב שֶׁנֶּעֱבְדָה בּוֹ עֲבֵירָה – אֵינוֹ דִּין שֶׁאָסוּר בֵּין בַּאֲכִילָה בֵּין בַּהֲנָאָה!

The Gemara asks: **Why do I** need both Isi ben Yehuda's **verbal analogy** to teach the prohibition of consumption and the *a fortiori* inference to teach the prohibition of benefit? **Let all of it,** both the prohibition of consumption and the prohibition against deriving benefit, **be derived** by an ***a fortiori*** inference **from *orla*: Just as *orla*,** which is treated less stringently, **as no sin has been committed in** the tree's planting, is nevertheless **prohibited both for consumption and for benefit; is it not right that meat** cooked **in milk, with regard to which a sin has been committed,** should be **prohibited both for consumption and for benefit?**

מִשּׁוּם דְּאִיכָּא לְמֵימַר: חוֹרֵשׁ בְּשׁוֹר וּבַחֲמוֹר, וְחוֹסֵם פִּי פָּרָה וְדָשׁ בָּהּ יוֹכִיחַ, שֶׁנֶּעֱבְדָה בָּהֶם עֲבֵירָה – וּשְׁרוּ!

The Gemara responds: That inference would be invalid **because one could say:** The cases of one **who plows with an ox and with a donkey, and** one **who muzzles the mouth of a cow and threshes with it prove** it invalid. **As** in those cases, **a sin has been committed through them, and** yet benefit from the products of these actions is **permitted.** One cannot refute a verbal analogy with logical reasoning.

לָמָּה לִי לְמֵימַר כִּלְאֵי הַכֶּרֶם יוֹכִיחוּ, לֵימָא: עָרְלָה תּוֹכִיחַ, וְלִיהַדַּר דִּינָא, וְלֵיתֵי בְּמָה הַצַּד!

The Gemara asks further: **Why do I** need **to say,** as was stated above, that the case of **diverse kinds in a vineyard proves** that benefit from meat and milk is prohibited? At that point, two other cases, *orla* and leavened bread on Passover, had already been offered as proof. Although they were rejected because they both possess a unique stringency, each lacks the stringency possessed by the other. Therefore, **let us say** that the case of ***orla* proves** that the stringency for consumption of leavened bread on Passover, i.e., the penalty of *karet*, is irrelevant, and vice versa. **And let the inference revert** to its starting point, **and let** the *halakha* with regard to meat cooked in milk **be derived by** analogy from **the common element** of the two sources, i.e., the prohibition against both consumption and benefit.

אֲמַר רַב אַשִׁי: מִשּׁוּם דְּאִיכָּא לְמֵימַר, נִבֵּלָה תּוֹכִיחַ – שֶׁאָסוּרָה בַּאֲכִילָה וּמוּתֶּרֶת בַּהֲנָאָה.

Rav Ashi said: Such a derivation cannot be suggested, **because one can say** that the case of an unslaughtered **animal carcass proves** it invalid, **as** an animal carcass **is prohibited for consumption and** yet **it is permitted for benefit.**

אֲמַר לֵיהּ רַב מָרְדְּכַי לְרַב אַשִׁי, הָכִי אָמְרִינַן מִשְּׁמֵיהּ דְּרֵישׁ לָקִישׁ: כָּל מָה הַצַּד – מִגּוֹפוֹ פָּרְכִינַן, מֵעִלְּמָא – לָא פָּרְכִינַן.

Rav Mordekhai[P] **said to Rav Ashi: We say in the name of Reish Lakish as follows:** For **any** analogy derived from **the common element** of two sources, **one can refute** the analogy only **by** invoking conflicting details of the two sources **themselves,** e.g., here, some stringency shared by *orla* and leavened bread, but not by meat cooked in milk. **One cannot refute** the analogy **from an external** case, as you do.

אִי הָכִי, תֵּיתֵי בְּמָה הַצַּד! מִשּׁוּם דְּאִיכָּא לְמֵיפְרַךְ: מַה לְּהַצַּד הַשָּׁוֶה שֶׁבָּהֶן – שֶׁכֵּן גִּדּוּלֵי קַרְקַע.

The Gemara asks: **If so,** then the question remains: Why not **let** the *halakha* **be derived by** analogy from **the common element** of *orla* and leavened bread on Passover? The Gemara responds: **Because** the analogy **can be refuted** as follows: **What** is unique **about the common element of** *orla* and leavened bread? It is unique **in that** they both involve produce **that grows from the ground,** whereas meat and milk do not grow from the ground.

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אִי הָכִי, הָשְׁתָּא נַמִּי אֵיבָא לְמֵיפְרַךְ: מַה לְכִלְאֵי הַכֶּרֶם שֶׁכֵּן גִּדּוּלֵי קַרְקַע!

The Gemara counters: **If so,** then **even now** that the Gemara has invoked diverse kinds in a vineyard to prove the point, the derivation **can be refuted** in the same manner: **What** is unique **about** the prohibition of **diverse kinds in a vineyard?** It is unique **in that** it involves produce **that grows from the ground.**

אֲמַר לֵיהּ רַב מָרְדְּכַי לְרַב אַשִׁי, הָכִי אָמְרִינַן מִשְּׁמֵיהּ דְּרֵישׁ לָקִישׁ: כָּל מָה הַצַּד – פָּרְכִינַן כָּל דְּהוּ, לֹא אִם אָמְרָתָ חַדָּא מֵחֲדָא – קַל וָחוֹמֶר פָּרְכִינַן, כָּל דְּהוּ לָא פָּרְכִינַן.

Rav Mordekhai said to Rav Ashi: We say in the name of Reish Lakish as follows: For **any** analogy derived from **the common element** of two sources, **one can refute** the analogy by invoking **any** factor shared by the two source cases but not by the target case. But this is insufficient to refute an analogy to **a single** source **from a single** source using the standard formulation: **No, if you say** the *halakha* applies to the source case, which possesses a unique factor X, must you say the same of the target case, which does not? **One can refute** such analogies using this formulation only by way of **an *a fortiori*** inference, i.e., if the unique factor X is a stringency. But **one cannot refute** it by simply mentioning **any** unique factor, e.g., that diverse kinds in a vineyard grow from the ground.

וְלִיפְרוֹךְ לְכוּלְּהוּ: מַה לְכוּלְּהוּ שֶׁכֵּן גִּדּוּלֵי קַרְקַע!

The Gemara counters: **But** one need not invoke the case of diverse kinds in a vineyard by itself, since it is invoked in addition to the cases of *orla* and leavened bread. Consequently, this is effectively a derivation from the common element of all three sources, not from one single case to another. If so, **let us refute** the derivation from **all of them: What** is unique **about all of** the cases? They are unique **in that** they involve produce **that grows from the ground.**

אֶלָּא, אֲמַר לֵיהּ רַב מָרְדְּכַי לְרַב אַשִׁי, הָכִי אָמְרִינַן מִשְּׁמֵיהּ דְּרֵישׁ לָקִישׁ:

Rather, Rav Mordekhai said to Rav Ashi: We say in the name of Reish Lakish as follows:

Perek **VIII**
Daf **116** Amud **a**

חַדָּא מֵחֲדָא – קוּלָּא וְחוּמְרָא פָּרְכִינַן, כָּל דְּהוּ – לָא פָּרְכִינַן. חֲדָא מִתַּרְתֵּי – אֲפִילּוּ כָּל דְּהוּ פָּרְכִינַן.

As stated above, for any *a fortiori* inference of **a single** source **from a single** source, **one can refute** the derivation by invoking a unique **leniency** in the supposedly stringent case **and a stringency** in the lenient one, but **one cannot refute** it by simply mentioning **any** aspect unique to the first source. And for inferences of **one** source from **two other** sources **one can even refute** the derivation by mentioning **any** aspect unique to the first source.

חֲדָא מִתְּלָת, אִי הֲדַר דִּינָא וְאָתֵי בְּמָה הַצַּד – פָּרְכִינַן כָּל דְּהוּ, וְאִי לָא – קוּלָּא וְחוּמְרָא פָּרְכִינַן, כָּל דְּהוּ – לָא פָּרְכִינַן.

For inferences of **one** source **from three** other sources, as suggested here, only **if the inference reverts** to its starting point, as each source possesses its own unique stringency, **and** the *halakha* **is** then **derived by** analogy from **the common element** of all of them, **can one refute** the inference by mentioning **any** factor unique to the source cases. **But if** the inference does **not** revert, **one can refute** the derivation only by invoking **a leniency and a stringency,** but **one cannot refute** it by mentioning **any** unique factor. The suggested inference does not revert, since the prohibition of diverse kinds in a vineyard possesses no stringent element that the other sources lack. Therefore, the fact that all the source cases involve produce is immaterial, and the inference from diverse kinds in a vineyard stands.

וְלִפְרוֹךְ: מַה לְכִלְאֵי הַכֶּרֶם – שֶׁכֵּן לֹא הָיְתָה לָהֶן שְׁעַת הַכּוֹשֶׁר! אָמַר רַב אַדָּא בַּר אַהֲבָה, זֹאת אוֹמֶרֶת: כִּלְאֵי הַכֶּרֶם עִיקָּרָן נֶאֱסָר, וְהָיְתָה לָהֶן שְׁעַת הַכּוֹשֶׁר קוֹדֶם הַשְּׁרָשָׁה.

The Gemara suggests: **But let one refute** the inference as follows: **What** is unique **about diverse kinds in a vineyard?** They are unique **in that they had no time that they were fit.** The produce is forbidden as soon as it begins to grow, whereas meat and milk are prohibited only when they are cooked together. **Rav Adda bar Ahava said:** If this suggestion was not employed, **that is to say that** even **the roots of diverse kinds in a vineyard are prohibited,** including the seeds and saplings from which the hybrid plants grow. **And they** too **had a time when they were fit, before taking root.** Consequently, the premise of the question must be false.

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מְתִיב רַב שְׁמַעְיָה בַּר זְעֵירָא: הַמַּעֲבִיר עָצִיץ נָקוּב בְּכֶרֶם – אִם הוֹסִיף מָאתַיִם אָסוּר. הוֹסִיף – אִין, לֹא הוֹסִיף – לֹא!

Rav Shemaya bar Zeira raises an objection to this conclusion from a mishna (*Kilayim* 7:8): If **one transfers a perforated pot**[BL] with seeds in it **into a vineyard,**[N] **if** the size of the plant growing in the pot **increases** by one **two-hundredth** of its previous size, such that the permitted original plant is less than two hundred times the amount of the prohibited growth and insufficient to nullify it, the produce is **prohibited,** due to the prohibition against planting diverse kinds in a vineyard. One may infer: If it **increases, yes,** it is prohibited; but if it **does not increase, no,** it is permitted. Apparently, only the additional growth is prohibited, not the planted seeds or saplings.

אֲמַר אַבַּיֵי: תְּרֵי קְרָאֵי כְּתִיבִי, כְּתִיב ״פֶּן תִּקְדַּשׁ הַמְּלֵאָה״, וּכְתִיב ״הַזֶּרַע״.

Abaye said: Two verses are written, i.e., two separate terms in one verse indicate two separate prohibitions: The verse states: “You shall not sow your vineyard with two kinds of seed, lest the growth of the seed that you will sow be forfeited together with the increase of the vineyard” (Deuteronomy 22:9). **It is written: “Lest the growth be forfeited,”** indicating that it is prohibited only if it has grown, **and it is written: “Of the seed,”** from which it can be inferred that it is prohibited immediately when it is planted and takes root.

הָא כֵּיצַד? זָרוּעַ מֵעִיקָּרוֹ – בְּהַשְׁרָשָׁה, זָרוּעַ וּבָא, הוֹסִיף – אִין, לֹא הוֹסִיף – לָא.

How can **these** texts be reconciled? Abaye explains: If it was **planted initially** in the vineyard, it becomes prohibited immediately **upon taking root.**[H] But in a case where it was **planted** elsewhere **and brought** into the vineyard later, e.g., in a perforated pot, then one must distinguish: If its size **increases** in the vineyard, **yes,** the growth is prohibited; if its size **does not increase, no,**[H] it is not prohibited.

מַתְנִיתִין דְּלָא כִּי הַאי תַּנָּא, דְּתַנְיָא, רַבִּי שִׁמְעוֹן בֶּן יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן: בָּשָׂר בְּחָלָב אָסוּר בַּאֲכִילָה וּמוּתָּר בַּהֲנָאָה, שֶׁנֶּאֱמַר ״כִּי עַם קָדוֹשׁ אַתָּה״, וְנֶאֱמַר לְהַלָּן ״וְאַנְשֵׁי קֹדֶשׁ תִּהְיוּן לִי״.

The Gemara notes: **The mishna,** which states that meat cooked in milk is prohibited for benefit, **is not in accordance with** the opinion of **this *tanna*, as it is taught** in a *baraita*: **Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon:** It is **prohibited to eat meat** cooked **in milk but** it is **permitted to** derive **benefit** from it, **as it is stated: “For you are a holy people** to the Lord your God; you shall not cook a kid in its mother’s milk” (Deuteronomy 14:21). And the verse **states elsewhere: “And you shall be holy people to Me;** therefore you shall not eat any flesh that is torn by animals [*tereifa*] in the field; you shall throw it to the dogs” (Exodus 22:30).

מַה לְּהַלָּן – אָסוּר בַּאֲכִילָה וּמוּתָּר בַּהֲנָאָה, אַף כָּאן – אָסוּר בַּאֲכִילָה וּמוּתָּר בַּהֲנָאָה.

The use of the word “holy” in both verses indicates that **just as there,** with regard to a *tereifa*, it **is prohibited to eat** it **but** one **is permitted to** derive **benefit** from it, as one may give it to the dogs, **so too here,** with regard to meat cooked in milk, it **is prohibited to eat** it **but** one is **permitted to** derive **benefit** from it.

״רַבִּי עֲקִיבָא אוֹמֵר חַיָּה וְעוֹף״ וכו׳. תָּנֵי, הָא אַפְּקִינְהוּ לִכְדִשְׁמוּאֵל!

§ The mishna states: **Rabbi Akiva says:** Cooking the meat of **an undomesticated animal or a bird** in milk is not prohibited by Torah law, as it is stated: “You shall not cook a kid in its mother’s milk” (Exodus 23:19, 34:26; Deuteronomy 14:21), three times, excluding an undomesticated animal, a bird, and a non-kosher animal. The Gemara raises a difficulty: Other *halakhot* have already **been derived from these** mentions of the word “kid,” **in accordance with** the statement **of Shmuel** (see 113b).

BACKGROUND

Pot [*atzitz*] – עָצִיץ: The descriptions of the sources indicate that the reference is to a ceramic or wooden vessel, usually unfinished or not completely fired in a kiln. This type of vessel was used for purposes that required a simple receptacle, not one with exacting craftsmanship. An *atzitz* was often used either for potted plants, as a chamber pot, or for the storage of food items. Sometimes it was crafted from the bottom of a broken jug.



Mosaic from the mishnaic period depicting a vase filled with vine shoots

LANGUAGE

Pot [*atzitz*] – עָצִיץ: Similar to the Arabic اصيص, *ʼaṣīṣ*, which bears the same meaning. It is likely that the form *atzitz*, spelled with an *ayin*, was employed because these pots were typically used for plants and trees, or *etzim*, also spelled with an *ayin*.

HALAKHA

If it was planted initially in the vineyard it becomes prohibited immediately upon taking root – זָרוּעַ מֵעִיקָּרוֹ בְּהַשְׁרָשָׁה: If grain or plants are sown in a vineyard, it is prohibited to derive benefit from them once they take root (Rambam *Sefer Zeraʼim*, *Hilkhot Kilayim* 5:13; *Shulḥan Arukh*, *Yoreh Deʼa* 296:9).

If its size increases, yes, it is prohibited, if its size does not increase, no – הוֹסִיף אִין לֹא הוֹסִיף לָא: If one transferred a perforated pot to a vineyard and left it there, and it grew so that it increased by at least one two-hundredth of its previous size, then it is prohibited to derive benefit from it due to the prohibition of diverse kinds in a vineyard (Rambam *Sefer Zeraʼim*, *Hilkhot Kilayim* 5:23; *Shulḥan Arukh*, *Yoreh Deʼa* 296:17).

NOTES

A perforated pot with seeds in it into a vineyard – עָצִיץ נָקוּב בְּכֶרֶם: The mishna (*Demai* 5:10) teaches that the *tanna’im* disagree with regard to the *halakha* of a perforated pot. According to the Rabbis, if the hole in this pot is large enough for a small root to penetrate, the roots of the plant placed inside it draw nutrients from the earth through the holes, connecting the plant to the ground. Consequently, if one sowed produce or vegetables in such a perforated pot located in a vineyard, or in the four cubits that are classified as the vineyard’s work area, it is prohibited to derive benefit from them as though they were sown directly in the soil of the vineyard. As for an unperforated pot, although there is no prohibition against sowing seeds in it within a vineyard by Torah law, the Sages prohibited this practice. According to the opinion of Rabbi Shimon, the same prohibition applies to a perforated and an unperforated pot: In both cases it is prohibited to sow produce or vegetables in a vineyard, but if one did, they are not rendered prohibited, as a pot does not have the status of the ground. The *halakha* is in accordance with the opinion of the Rabbis, and that is the assumption of the Gemara here as well in discussing the case of transferring a perforated pot.

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קָסָבַר רַבִּי עֲקִיבָא אִיסּוּר חָל עַל אִיסּוּר, חֵלֶב וּמֵתָה – לָא צְרִיכִי קְרָא, שֶׁלֵּיל – גְּדִי מְעַלְיָא הוּא, אִיתְּרוּ לְהוּ כּוּלְּהוּ, פְּרָט לְחַיָּה וְעוֹף וְלִבְהֵמָה טְמֵאָה.

The Gemara answers: **Rabbi Akiva maintains** in general that **a prohibition takes effect** even where another **prohibition** already exists, **and** therefore forbidden **fat and** the meat of **a dead** animal, which are already prohibited, **do not require a verse** to teach that the prohibition of meat and milk applies to them. Furthermore, there is no need to derive from a verse that **a fetus** is included, as **it is a full-fledged kid.** Consequently, **all** three mentions of the word **remain for him** to expound that they serve **to exclude an undomesticated animal and a bird and a non-kosher animal.**

רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר: נֶאֱמַר ״לֹא תֹאכְלוּ״. מַאי אִיכָּא בֵּין רַבִּי יוֹסֵי הַגְּלִילִי לְרַבִּי עֲקִיבָא?

§ The mishna further teaches that **Rabbi Yosei HaGelili says: It is stated: "You shall not eat** of any animal carcass" (Deuteronomy 14:21), and in the same verse it is stated: "You shall not cook a kid in its mother's milk." This indicates that the meat of an animal that is subject to be prohibited due to the prohibition of eating an unslaughtered carcass is prohibited to cook in milk. Consequently, one might have thought it is prohibited to cook in milk the meat of a bird, which is subject to this prohibition. Therefore, the verse states: "In its mother's milk," to exclude a bird, which has no mother's milk. The Gemara asks: **What** difference **is there between** the opinion of **Rabbi Yosei HaGelili,** who excludes a bird from the prohibition of meat and milk due to the phrase "in its mother's milk," **and** the opinion of **Rabbi Akiva,** who comes to the same conclusion as Rabbi Yosei HaGelili based upon the phrase "You shall not cook a kid"?

אִיכָּא בֵּינַיְיהוּ חַיָּה. רַבִּי יוֹסֵי הַגְּלִילִי סָבַר: חַיָּה דְּאוֹרַיְיתָא, וְרַבִּי עֲקִיבָא סָבַר: חַיָּה דְּרַבָּנַן.

The Gemara explains: **There is** a difference **between them** with regard to **an undomesticated animal. Rabbi Yosei HaGelili maintains** that the prohibition of cooking the meat of **an undomesticated animal** in milk applies **by Torah law,** as an undomesticated animal has mother's milk, **but Rabbi Akiva maintains** that the prohibition of cooking the meat of **an undomesticated animal** in milk applies only **by rabbinic law,** as it is excluded by the phrase: "You shall not cook a kid."

אִיבָּעֵית אֵימָא: עוֹף אִיכָּא בֵּינַיְיהוּ, רַבִּי עֲקִיבָא סָבַר: חַיָּה וְעוֹף אֵינָן מִן הַתּוֹרָה – הָא מִדְּרַבָּנַן אֲסִירִי. וְרַבִּי יוֹסֵי הַגְּלִילִי סָבַר: עוֹף אֲפִילּוּ מִדְּרַבָּנַן נַמִּי לָא אֲסִיר.

If you wish, say instead that there is a difference **between them** with regard to the meat of **a bird** itself: **Rabbi Akiva maintains** that the prohibitions of **an undomesticated animal and a bird do not** apply **by Torah law;**[N] **but** it may be inferred from his statement that **they are prohibited by rabbinic law. And Rabbi Yosei HaGelili maintains** that **a bird is not prohibited even by rabbinic law.**

תַּנְיָא נַמִּי הָכִי: בְּמְקוֹמוֹ שֶׁל רַבִּי אֱלִיעֶזֶר הָיוּ כּוֹרְתִין עֵצִים, לַעֲשׂוֹת פֶּחָמִין לַעֲשׂוֹת בַּרְזֶל. בְּמְקוֹמוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי הָיוּ אוֹכְלִין בְּשַׂר עוֹף בְּחָלָב.

The Gemara notes: **That** distinction **is also taught** in a *baraita*: **In the locale of Rabbi Eliezer,** where his ruling was followed, **they would cut down trees** on Shabbat **to prepare charcoal** from them with which to light a fire **to fashion iron** tools with which to circumcise a child on Shabbat. In Rabbi Eliezer's opinion, not only does the mitzva of circumcision override Shabbat, but also any action required for the preparation of the tools necessary for the circumcision likewise overrides Shabbat. The *baraita* adds: **In the locale of Rabbi Yosei HaGelili they would eat bird meat** cooked **in milk.** Evidently, Rabbi Yosei HaGelili maintains that the prohibition of meat cooked in milk does not include birds.

לֵוִי אִיקְלַע לְבֵי יוֹסֵף רִישְׁבָּא, אַיְיתוּ לְקַמֵּיהּ רֵישָׁא דְּטַיְוָסָא בְּחַלְבָא, וְלָא אֲמַר לְהוּ וְלָא מִידִי. כִּי אֲתָא לְקַמֵּיהּ דְּרַבִּי, אֲמַר לֵיהּ: אַמַּאי לָא תְּשַׁמְּתִינְהוּ?

The Gemara relates: **Levi happened** to come **to the house of Yosef the bird hunter** [*rishba*].[L] **They served him the head of a peacock** [*tayvasa*][L] **in milk and he did not say anything to them. When** Levi **came before Rabbi** Yehuda HaNasi, Rabbi Yehuda HaNasi **said to him: Why did you not excommunicate** these people who eat bird meat cooked in milk, contrary to the decree of the Sages?

אֲמַר לֵיהּ: אַתְרֵיהּ דְּרַבִּי יְהוּדָה בֶּן בְּתֵירָא הוּא, וְאָמִינָא, דְּרַשׁ לְהוּ כְּרַבִּי יוֹסֵי הַגְּלִילִי דַּאֲמַר יָצָא עוֹף שֶׁאֵין לוֹ חֲלֵב אֵם.

Levi **said to him: It was** in **the locale** of **Rabbi Yehuda ben Beteira, and I said:** Perhaps **he taught them** that the *halakha* is **in accordance with** the opinion of **Rabbi Yosei HaGelili, who said** that the phrase "in its mother's milk" serves to **exclude a bird, which does not have mother's milk.** If so, I could not prohibit it to them, and I certainly could not excommunicate them for following their ruling.

NOTES

Rabbi Akiva maintains that the prohibitions of an undomesticated animal and a bird do not apply by Torah law – רַבִּי עֲקִיבָא סָבַר חַיָּה וְעוֹף אֵינָן מִן הַתּוֹרָה: The later commentaries explain that according to Rabbi Akiva the Sages decreed that it is prohibited to cook the meat of an undomesticated animal in milk due to the similarity between that meat and the meat of a domesticated animal. Once they instituted that decree, they extended that decree to include the meat of birds, despite the fact that there is no concern that one might confuse bird meat with that of a domesticated animal. Rabbi Yosei HaGelili holds that the Sages did not apply their decree to bird meat (*Porat Yosef*).

LANGUAGE

Bird hunter [*rishba*] – רִישְׁבָּא: According to Rashi, *rishba* is identical to the Aramaic *nishba*, which means a net. If so, *rishba* or *nishba* means the man who spreads the nets, i.e., a bird and animal hunter. Some explain that *rishba* is an acronym for *reish beit abba*, the head of a paternal household. Accordingly, it is a term of honor for the most prominent member of a family (*Ge'onim*; see *Arukh*).

Peacock [*tayvasa*] – טַיְוָסָא: From the Greek ταώς, *taos*, which refers to the bird known in modern Hebrew as *tavas*. The Hebrew word is a cognate of the Aramaic *tayvasa*, which is a peacock.



Peacock displaying its plumage

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מתני׳ קִבַּת גּוֹי וְשֶׁל נְבֵלָה – הֲרֵי זוֹ אֲסוּרָה. הַמַּעֲמִיד בְּעוֹר שֶׁל קִבָּה כְּשֵׁרָה,

MISHNA The congealed milk in **the stomach** of the animal **of a gentile and of an** unslaughtered **animal carcass is prohibited.** With regard to **one who curdled milk by** using **the skin of the stomach of a kosher** animal[NH] as a coagulant to make cheese, which may then have the taste of meat cooked in milk,

NOTES

With regard to one who curdled milk by using the skin of the stomach of a kosher animal – הַמַּעֲמִיד בְּעוֹר שֶׁל קִבָּה כְּשֵׁרָה: The wording of the mishna indicates that this is not permitted *ab initio*, but only after the fact, if there is insufficient skin to impart flavor to the milk. The later commentaries explain that one may not do so because this is considered like the nullification of a prohibition *ab initio*. They further note that if the skin of the stomach has been salted and dried it is permitted to curdle milk with it *ab initio* (comment of Rema on *Shulḥan Arukh*, *Yoreh De'a* 87:10). The reason is that once the skin has dried it no longer contains enough taste to prohibit the milk (*Noda BiYehuda*). Some authorities infer from the ruling of the *Noda BiYehuda* that if the skin was soaked for a twenty-four hour period, it is permitted, which is not in accordance with the opinion of the *Peri Megadim* (*Iggerot Moshe*; *Pitḥei Teshuva*). There is no concern with regard to violating the prohibition of partaking of blood in these situations, as there is no assumption that the skin of the stomach of a kosher animal contains blood, as stated earlier with regard to the intestines (Responsa of the Rambam 319).

HALAKHA

With regard to one who curdled milk by using the skin of the stomach of a kosher animal – הַמַּעֲמִיד בְּעוֹר שֶׁל קִבָּה כְּשֵׁרָה: It is prohibited to curdle milk with the skin of the stomach of a kosher animal. If one did curdle milk with the skin of the stomach of a kosher animal, the cheese should be given to a gentile to taste: If it has the flavor of meat it is prohibited, and if not, it is permitted. The reason is that the mixture is prohibited only if there is enough skin to impart flavor to the milk. The commentaries note that according to the opinion of the Rema one does not rely on the taste of a gentile cook; rather, the meat is nullified by sixty times its volume of milk (*Shakh*). But if one curdles milk with the skin of the stomach of an animal carcass or a *tereifa*, since the coagulant itself is prohibited, the cheese is forbidden no matter what the ratio is. It is due to this concern that the Sages prohibited the cheese of gentiles (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:16 and Ra'avad there; *Shulḥan Arukh*, *Yoreh De'a* 87:11, and in the comment of Rema).

Perek **VIII**
Daf **116** Amud **b**

אִם יֵשׁ בְּנוֹתֵן טַעַם – הֲרֵי זוֹ אֲסוּרָה. כְּשֵׁרָה שֶׁיָּנְקָה מִן הַטְּרֵפָה – קִבָּתָהּ אֲסוּרָה, טְרֵפָה שֶׁיָּנְקָה מִן הַכְּשֵׁרָה – קִבָּתָהּ מוּתֶּרֶת, מִפְּנֵי שֶׁכָּנוּס בְּמֵעֶיהָ.

if the measure of the skin is enough **to impart flavor** to the milk, **that** cheese **is prohibited.** In the case of **a kosher** animal **that suckled** milk **from a *tereifa*,** the milk in **its stomach is prohibited,** as the milk is from the *tereifa*. If it was **a *tereifa* that suckled** milk **from a kosher** animal, the milk in **its stomach is permitted,** as the milk is from the kosher animal. In both cases, the milk that an animal suckles has the status of the animal from which it was suckled, and not that of the animal which suckled, **because** the milk **is collected in its innards** and is not an integral part of its body.

גמ׳ אַטּוּ קִבַּת גּוֹי לָאו נְבֵלָה הִיא? אֲמַר רַב הוּנָא: הָכָא, בְּלוֹקֵחַ גְּדִי מִן הַגּוֹי עָסְקִינַן, וְחָיְישִׁינַן שֶׁמָּא יָנַק מִן הַטְּרֵפָה.

GEMARA The mishna makes reference to the stomach of the animal of a gentile and that of an unslaughtered carcass. The Gemara asks: **Is that to say** that **the stomach of** an animal slaughtered by **a gentile is not** itself **a carcass?** Why does the *tanna* of the mishna differentiate between them? **Rav Huna said:** The mishna **here** is not referring to an animal slaughtered by a gentile. Rather, **we are dealing with** a Jew who **purchases a kid from a gentile** and slaughters it himself. Therefore, the kid is not prohibited as a carcass, **but we are concerned** that **perhaps it suckled from a *tereifa*** animal, and it is therefore prohibited.

וּמִי חָיְישִׁינַן שֶׁמָּא יָנַק מִן הַטְּרֵפָה? וְהָתְנַן: לוֹקְחִים בֵּיצִים מִן הַגּוֹיִם, וְאֵין חוֹשְׁשִׁין לֹא מִשּׁוּם נְבֵלָה וְלֹא מִשּׁוּם טְרֵפָה! אֶלָּא אֵימָא: חָיְישִׁינַן שֶׁמָּא יָנַק מִן הַטְּמֵאָה.

The Gemara asks: **And are we concerned** that **perhaps it suckled from** an animal that is **a *tereifa*? But didn't we learn** in a *baraita* (*Tosefta* 3:8): **One may purchase eggs from gentiles, and we are not concerned** that perhaps the eggs came **from a carcass nor** that they came **from a *tereifa*.** The Gemara answers: Indeed, there is no concern that the kid might have suckled from a *tereifa*. **Rather, say** that **we are concerned** that **perhaps it suckled from a non-kosher** animal, and therefore the milk in its stomach is prohibited.

וּמַאי שְׁנָא טְרֵפָה – דְּלָא חָיְישִׁינַן, וּמַאי שְׁנָא טְמֵאָה – דְּחָיְישִׁינַן? טְרֵפָה – לָא שְׁכִיחָא, טְמֵאָה – שְׁכִיחָא.

The Gemara asks: **And what is different** about a ***tereifa* that we are not concerned** that perhaps the animal suckled from it, **and what is different** about **a non-kosher** animal **that we are concerned?** The Gemara answers: **A *tereifa*** animal **is not common,** whereas **a non-kosher** animal **is common,** and it is therefore more likely that the young animal suckled from one.

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אִי שְׁכִיחָא – אֲפִילּוּ גַּבֵּי דִּידָן נֵיחוּשׁ! אֲנַן דְּבָדְלִינַן מִינַּייהוּ, וְכִי חָזֵינַן לְהוּ מַפְרְשִׁינַן לְהוּ – לָא גָּזְרוּ בְּהוּ רַבָּנַן. אִינְהוּ דְּלָא בָּדְילִי מִינַּייהוּ, וְכִי חָזוּ לְהוּ לָא מַפְרְשִׁי לְהוּ – גָּזְרוּ בְּהוּ רַבָּנַן.

The Gemara raises a difficulty: **If** suckling from a non-kosher animal is **common,** then **let us be concerned even with regard to our** own animals. The Gemara responds: **We** Jews, **who separate ourselves from** non-kosher animals, **when we see them we** immediately **distance** our suckling animals from them. Therefore, **the Sages did not issue a decree with regard to** animals purchased from Jews. But as for the gentiles, **who do not separate themselves from** non-kosher animals, **when they see them they do not distance** their kosher animals from them. Consequently, **the Sages issued a decree with regard to** animals purchased from a gentile.

וּשְׁמוּאֵל אָמַר: חֲדָא קָתָנֵי, קִבַּת שְׁחִיטַת גּוֹי נְבֵלָה.

And Shmuel said a different explanation of the mishna's language: The *tanna* of the mishna **is teaching** only **one** *halakha*: The congealed milk in **the stomach of** an animal **slaughtered by a gentile is** like **a carcass,** and it is therefore prohibited.

וּמִי אָמַר שְׁמוּאֵל הָכִי? וְהָאָמַר שְׁמוּאֵל: מִפְּנֵי מָה אָסְרוּ גְּבִינַת הַגּוֹיִם – מִפְּנֵי שֶׁמַּעֲמִידִין אוֹתָהּ בְּעוֹר קִבַּת נְבֵלָה, הָא קִבָּה גּוּפָהּ שָׁרְיָא!

The Gemara asks: **And did Shmuel** actually **say this?** Does he hold that the milk in the stomach of an unslaughtered animal is prohibited as if it were part of its body? **But didn't Shmuel say: For what** reason did the Sages **prohibit the cheese of gentiles?** It is **because they curdle it with the skin of the stomach of a carcass.** One may infer **consequently** that congealed milk, or rennet, from the **stomach** of a gentile's animal **is itself permitted** and would not render the cheese prohibited if used as a coagulant.

לָא קַשְׁיָא, כָּאן – קוֹדֶם חֻזָּרָה, כָּאן – לְאַחַר חֻזָּרָה.

The Gemara answers: That is **not difficult.** Elsewhere (*Avoda Zara* 29b), Rabbi Yehoshua teaches two reasons for the prohibition on gentile cheese. Initially, he held it to be prohibited because it is curdled using rennet from the stomach of an animal carcass. He later adopted the opinion that such rennet is permitted, and that the cheese is prohibited because it is curdled using rennet from the stomach of calves used for idol worship, which is prohibited. Therefore, the mishna **here,** which states that the rennet in a carcass's stomach is itself prohibited, was taught **before** Rabbi Yehoshua's **retraction,** while Shmuel's statement **there,** that the Sages prohibited gentile cheese only because it is curdled with the skin of the stomach of a carcass, was **after** Rabbi Yehoshua's **retraction.**[N]

״כְּשֵׁרָה שֶׁיָּנְקָה מִן הַטְּרֵפָה״ [וכו׳]. וְהָא קָתָנֵי רֵישָׁא ״קִבַּת גּוֹי וְשֶׁל נְבֵלָה – הֲרֵי זוֹ אֲסוּרָה״!

§ The mishna teaches: In the case of **a kosher** animal **that suckled** milk **from a *tereifa,*** the milk in its stomach is prohibited, whereas if a *tereifa* suckled milk from a kosher animal, the milk in its stomach is permitted. The Gemara raises a difficulty: **But doesn't the first clause** of the mishna **teach:** The congealed milk in **the stomach** of the animal **of a gentile and of a carcass is prohibited?** What is the difference between the milk found in the stomach of a *tereifa* in the second clause and the milk found in the stomach of an unslaughtered carcass in the first clause?

אָמַר רַב חִסְדָּא: רֵישָׁא – נִרְאֶה כְּאוֹכֵל נְבֵלוֹת, הָכָא אִיפָּא שְׁחִיטָה.

Rav Ḥisda said: In fact, milk found in the stomach of a carcass is not itself prohibited. **The first clause** of the mishna prohibits it only because one who partakes of it **looks like one who eats carcasses,** which is repulsive. By contrast, **here,** with regard to a *tereifa,* the consumption of milk found in its stomach is less repulsive, as here **there is** at least **slaughter** of the animal.

NOTES

Here it is before Rabbi Yehoshua's retraction, there it is after Rabbi Yehoshua's retraction – כָּאן קוֹדֶם חֻזָּרָה כָּאן לְאַחַר חֻזָּרָה: *Tosafot* (on *Avoda Zara* 34b) state that although Rabbi Yehoshua stated in his second explanation that gentile cheese is prohibited because it is curdled with rennet from calves used for idol worship, he did not truly hold this to be the reason. Rather, he said this merely to refute a difficulty posed to him by Rabbi Yishmael. That cannot be the actual reason, as only a minority of calves are used for idol worship, and it is known that Rabbi Yehoshua is not concerned for a minority. The Gemara later on in *Avoda Zara* (35a) explains that Rabbi Yehoshua did not want to reveal the actual reason for this decree to Rabbi Yishmael, as it had been instituted only a short time before and needed to be guarded from public scrutiny until it was well established.

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אֲמַר לֵיהּ רָבָא: וְלָאו כָּל דְּכֵן הוּא? וּמַה נְּבֵלָה דְּמֵאִיסָה, דְּאִי שָׁרֵית לֵיהּ קֵבָתָהּ, לָא אָתֵי לְמֵיכַל מִינָּהּ – אָמְרַתְּ לָא. טְרֵפָה שְׁחוּטָה, דְּאִי שָׁרֵית אָתֵי לְמֵיכַל מִינָּהּ – לֹא כָּל שֶׁכֵּן!

Rava said to Rav Ḥisda: **But is it not** possible to claim ***a fortiori*** that milk found in the stomach of a *tereifa* should be prohibited? **Just as** with regard to **a carcass, which is** so **repulsive that** even **if you permit** the milk in **its stomach** people **will not come to partake of** the meat, **you** nevertheless **said** the milk is **not** permitted for consumption, is it **not all the more so** with regard to **a *tereifa*** that has been **slaughtered,** which is not as repulsive, **such that if you permit** the milk in its stomach people might **come to partake of it?**

אֶלָּא אֲמַר רַב יִצְחָק, אָמַר רַבִּי יוֹחָנָן: לָא קַשְׁיָא, כָּאן – קוֹדֶם חֲזָרָה, כָּאן – לְאַחַר חֲזָרָה, וּמִשְׁנָה לֹא זָזָה מִמְּקוֹמָהּ.

Rather, Rav Yitzḥak said that **Rabbi Yoḥanan says:** This question is **not difficult.** The first clause of the mishna **here,** which teaches that the milk in the stomach of a carcass is prohibited, was taught **before** Rabbi Yehoshua's **retraction** cited above, whereas the latter clause **there,** that milk from the stomach of a *tereifa* is permitted, was taught **after** Rabbi Yehoshua's **retraction.** A mishna can sometimes preserve an older ruling and then immediately teach a contradictory later ruling, because **a mishna does not move from its place.** Since the first clause of the mishna was already canonized, it was not removed, despite Rabbi Yehoshua's change of opinion.

אָמַר רַבִּי חִיָּיא בַּר אַבָּא, אָמַר רַבִּי יוֹחָנָן: מַעֲמִידִין בְּקֵבַת נְבֵלוֹת, וְאֵין מַעֲמִידִין בְּקֵבַת שְׁחִיטַת גּוֹי. אָמַר לְפָנָיו רַבִּי שִׁמְעוֹן בַּר אַבָּא: כְּמַאן – כְּרַבִּי אֱלִיעֶזֶר, דַּאֲמַר: סְתָם מַחֲשֶׁבֶת גּוֹי – לַעֲבוֹדָה זָרָה!

§ **Rabbi Ḥiyya bar Abba says** that **Rabbi Yoḥanan says: One may curdle** milk **with** rennet extracted from **the stomach of carcasses, but one may not curdle** milk **with** rennet from **the stomach of** animals **slaughtered by a gentile. Rabbi Shimon bar Abba said before** Rabbi Ḥiyya bar Abba: **In accordance with whose** opinion is this ruling? It is **in accordance with** the opinion of **Rabbi Eliezer, who said: A gentile's presumed intention** during slaughter **is for idol worship.** Therefore, the prohibition against deriving benefit from an animal slaughtered in idol worship applies to it, and this prohibition includes the contents of its stomach that are not actually part of its body. By contrast, a carcass is prohibited only for consumption, and the prohibition does not extend to the contents of its stomach.

אֲמַר לֵיהּ: וְאֶלָּא כְּמַאן?

Rabbi Ḥiyya bar Abba **said to** Rabbi Shimon bar Abba: **Rather, in accordance with whose** opinion could this ruling be? Of course it is the opinion of Rabbi Eliezer.

כִּי אֲתָא רַב שְׁמוּאֵל בַּר רַב יִצְחָק, אָמַר רַבִּי יוֹחָנָן: מַעֲמִידִין בֵּין בְּקֵבַת נְבֵלָה בֵּין בְּקֵבַת שְׁחִיטַת גּוֹי, שֶׁלֹּא לָחוּשׁ לְדִבְרֵי רַבִּי אֱלִיעֶזֶר.

The Gemara relates: **When Rav Shmuel bar Rav Yitzḥak came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan said: One may curdle** milk **both with** rennet from **the stomach of a carcass and with** rennet from **the stomach of** an animal **slaughtered by a gentile, as** there is **no** need **to be concerned for the statement of Rabbi Eliezer.** According to this account, Rabbi Yoḥanan does not maintain that a gentile's presumed intention is for idol worship.

וְהִלְכְתָא: אֵין מַעֲמִידִין בְּעוֹר קֵבַת נְבֵלָה, אֲבָל מַעֲמִידִין בִּקֵּבַת נְבֵלָה וּבִקֵּבַת שְׁחִיטַת גּוֹי, וּבְקֵבַת כְּשֵׁרָה שֶׁיָּנְקָה מִן הַטְּרֵפָה, וְכָל שֶׁכֵּן בִּקֵּבַת טְרֵפָה שֶׁיָּנְקָה מִן הַכְּשֵׁרָה. מַאי טַעְמָא – חֶלְבָּ הַמְכוּפָּס בָּזֶה, פִּירְשָׁא בְּעָלְמָא הוּא.

The Gemara concludes: **And** the ***halakha*** is: **One may not curdle** milk **with the skin of the stomach of a carcass,**[H] **but one may curdle** milk **with** rennet from **the stomach of a carcass and with** rennet from **the stomach of** an animal **slaughtered by a gentile,**[H] **and with** rennet from **the stomach of a kosher** animal **that suckled from a *tereifa*,**[H] **and all the more so with** rennet from **the stomach of a *tereifa*** animal **that suckled from a kosher** animal. **What is the reason** for these lenient rulings? **The milk collected in** a stomach **is merely secretion** and is not considered food that can be prohibited.

מתני׳ חוֹמֶר בְּחֵלֶב מִבְּדָם, וְחוֹמֶר בְּדָם מִבְּחֵלֶב. חוֹמֶר בְּחֵלֶב – שֶׁהַחֵלֶב

MISHNA Although animal fats and blood are similar in that they are both prohibited by Torah law and punishable by *karet*, there are elements more **stringent in** the prohibition of **fat than in** that of **blood, and** likewise there are elements more **stringent in** the prohibition of **blood than in** that of **fat.** The elements more **stringent in** the prohibition of **fat are** the following: The first is **that** with regard to **fat** of an offering,

HALAKHA

One may not curdle milk with the skin of the stomach of a carcass – אֵין מַעֲמִידִין בְּעוֹר קֵבַת נְבֵלָה: If one curdles milk with the skin of the stomach of a carcass, a *tereifa*, or a non-kosher animal, the milk is prohibited regardless of the ratio of milk to meat. This is because in a case where the coagulant is itself prohibited, it is not nullified even by one part in a thousand (Rema). This applies only if the forbidden substance was the sole coagulant. But if the milk was curdled jointly by both prohibited and permitted substances, it is permitted if the entire mixture contains sixty times more permitted substances than prohibited ones (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:19, 9:16; *Shulḥan Arukh*, *Yoreh De'a* 87:11, and in the comment of Rema).

One may curdle milk with rennet from the stomach of a carcass and with rennet from the stomach of an animal slaughtered by a gentile – מַעֲמִידִין בְּקֵבַת נְבֵלָה וּבְקֵבַת שְׁחִיטַת גּוֹי: It is permitted to curdle milk with rennet from the stomach of an animal slaughtered by a gentile (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:19).

With rennet from the stomach of a kosher animal that suckled from a *tereifa*, etc. – בְּקֵבַת כְּשֵׁרָה שֶׁיָּנְקָה מִן הַטְּרֵפָה וכו׳: With regard to a kosher animal that suckled from a *tereifa*, the milk found in its stomach is permitted, and all the more so in the case of a *tereifa* that suckled from a kosher animal. This is because milk collected in a stomach is merely secretion. Some prohibit liquid, uncongealed milk found in the stomach of a kosher animal that suckled from a *tereifa*, and the Rema writes that such is the custom. But unless established otherwise there is no concern that a kosher animal might have suckled from a *tereifa* or a non-kosher animal. Some authorities prohibited curdling milk with rennet collected from a *tereifa* that suckled from a kosher animal *ab initio*, due to the appearance of prohibition, as people might think he is eating a *tereifa*, and this is the accepted practice. Nevertheless, if one did curdle cheese with rennet from a *tereifa*, or if such rennet was mixed with rennet from kosher animals, it is permitted after the fact (see Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:15; *Shulḥan Arukh*, *Yoreh De'a* 81:6).

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מוֹעֲלִין בּוֹ, וְחַיָּבִין עָלָיו מִשּׁוּם פִּיגּוּל, וְנוֹתָר, וְטָמֵא, מַה שֶּׁאֵין כֵּן בְּדָם.

one who derives benefit **from it** is liable for **misuse** of consecrated property. **And** second, one is **liable for** eating **it due to** violation of the prohibition of ***piggul,*** if it was from an offering that was slaughtered with the intent to sprinkle its blood or partake of it beyond its designated time, **and** due to the prohibition of ***notar,*** if it was from an offering whose period for consumption has expired. **And** third, if one is ritually impure, he is liable due to the prohibition of partaking of it while **impure.**[H] **This is not so with regard to blood,**[H] as one is not liable in these cases for violating the prohibitions of *piggul*, *notar*, and partaking of offerings while impure, but rather is liable only for violating the prohibition of consuming blood.

וְחוֹמֶר בַּדָּם – שֶׁהַדָּם נוֹהֵג בִּבְהֵמָה וְחַיָּה וְעוֹף, בֵּין טְמֵאִים וּבֵין טְהוֹרִים, וְחֵלֶב אֵינוֹ נוֹהֵג אֶלָּא בִּבְהֵמָה טְהוֹרָה בִּלְבַד.

And the more **stringent** element **in** the prohibition of **blood** is **that** the prohibition of **blood applies to domesticated animals, undomesticated animals, and birds, both kosher and non-kosher, but** the prohibition of forbidden **fat applies only to a kosher domesticated animal.**

גמ׳ מְנָא הָנֵי מִילֵּי? אָמַר רַבִּי יַנַּאי: דְּאָמַר קְרָא ״כַּאֲשֶׁר יוּרַם מִשּׁוֹר זֶבַח הַשְּׁלָמִים״. וְכִי מָה לָמַדְנוּ מִ״שּׁוֹר זֶבַח הַשְּׁלָמִים״ מֵעַתָּה?

GEMARA According to the mishna, one who consumes forbidden fat of an offering is liable for misuse of consecrated property. The Gemara asks: **From where are these matters** derived? **Rabbi Yannai said:** They are derived from a verse, **as the verse states** that the sacrificial portions of a bull brought for an unwitting sin of the anointed priest must be burned upon the altar: **“As it is taken off from the bull of the peace offering”** (Leviticus 4:10). **But what, then, do we learn from the bull of the peace offering?** Everything that is specified with regard to a peace offering is stated with regard to this bull as well (see Leviticus 4:8–9).

הֲרֵי זֶה בָּא לְלַמֵּד וְנִמְצָא לָמֵד, מַקִּישׁ ״שּׁוֹר זֶבַח הַשְּׁלָמִים״ לְפַר כֹּהֵן מָשִׁיחַ, מַה פַּר כֹּהֵן מָשִׁיחַ – יֵשׁ בּוֹ מְעִילָה, אַף שּׁוֹר זֶבַח הַשְּׁלָמִים – יֵשׁ בּוֹ מְעִילָה.

Rather, **this** phrase initially **comes to teach** a *halakha* about the bull brought as an offering for an unwitting sin of the anointed priest, **but it turns out** that **it** actually **derives** a *halakha* from that case, as the verse **juxtaposes the bull of the peace offering to the bull of the anointed priest.** It teaches that **just as the bull of the anointed priest,** as an offering of the most sacred order, **is subject to** the prohibition on **misuse** of consecrated property, as offerings of the most sacred order are called “the sacred items of the Lord” (see Leviticus 5:15), **so too** the sacrificial portions of **the bull of the peace offering,** including its forbidden fat, are **subject to misuse** of consecrated property, even though it is an offering of lesser sanctity and is considered the property of the owner before slaughter.

אָמַר לֵיהּ רַבִּי חֲנִינָא: כְּעוּרָה זוֹ שֶׁשָּׁנָה רַבִּי ״כָּל חֵלֶב לַה׳״ – לְרַבּוֹת אֵימוּרֵי קֳדָשִׁים קַלִּים לִמְעִילָה!

Rabbi Ḥanina said to Rabbi Yannai: **Is that** derivation **that Rabbi** Yehuda HaNasi **taught unattractive,** that you derive a new one? He taught that when the Torah states with regard to peace offerings, which are of lesser sanctity: **“All the fat is the Lord’s”** (Leviticus 3:16), it serves **to include the sacrificial portions**[L] **of offerings of lesser sanctity in** the prohibition against **misuse** of consecrated property, even though the prohibition is stated explicitly only with regard to offerings of the most sacred order.

HALAKHA

Due to *piggul*, *notar*, and partaking of it while impure – מִשּׁוּם פִּיגּוּל וְנוֹתָר וְטָמֵא: One who eats an olive-bulk of the blood of an offering that had been rendered *piggul* is not liable for the consumption of *piggul*. Likewise, one who eats an olive-bulk of the blood of an offering while he is in a state of ritual impurity or of the blood of a *notar* offering is not liable for eating an offering while impure or for eating *notar* (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:7, 17, 24).

This is not so with regard to blood – מַה שֶּׁאֵין כֵּן בְּדָם: One is not liable for misuse of consecrated property when deriving benefit from blood of a slaughtered offering, either before or after atonement, until the remainder of the blood flows to the Kidron River, in accordance with a mishna in tractate *Me’ila*. Once that blood has reached the Kidron River, one is liable by rabbinic law for its misuse (Ra’avad). In Temple times, gardeners paid for this water for use as fertilizer and thereby redeemed the remainder of blood from its sanctity (see *Yoma* 58b), and the proceeds of the sale belonged to the Temple (Rambam *Sefer Avoda*, *Hilkhot Me’ila* 2:11).

LANGUAGE

Portions [*eimurim*] – אֵימוּרִים: There are various explanations with regard to the source of this word, which refers to those portions of an offering burned and consumed upon the altar. Based on the Gemara in *Sukka* (55b), its root is *alef*, *mem*, *reish*, which means: Say. According to this, the word is used to indicate that these are the portions of which it is said that they must be sacrificed upon the altar (*Tosefot Yom Tov* on *Pesaḥim* 5:10). Following this interpretation, some claim that the term should be pronounced *amurim*. Alternatively, it is based on the word master [*mar*] (*Arukh*). If so, *eimurim* refers to the most important parts of an offering, or the master portions that are sacrificed upon the altar. Yet others relate it to the term *he’emarta*, as in the verse: “You have avouched [*he’emarta*] the Lord this day to be Your God” (Deuteronomy 26:17; *Mishne LaMelekh*). According to many linguists, the word *eimurim* comes from the Greek μῆρα, *mēra*, or μηρία, *mēpia*, meaning thigh bones, both of which refer to the portions of an offering that are burned along with their fatty parts.

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BACKGROUND

Sheep tail [*alya*] – אַלְיָה: The *alya* is the long, thick, fatty tail of the breed of sheep that was common in Eretz Yisrael and the surrounding areas during the Temple era.



Fat-tailed sheep

NOTES

It should be prohibited for consumption – תִּיתַּסַר בַּאֲכִילָה: The Karaites accepted this conclusion and deemed the tail prohibited as forbidden fat. The Ibn Ezra discusses this issue at length in his commentary on Leviticus 7:20, as does the Ramban (on Leviticus 3:9).

אֲמַר אַבַּיֵי: אִיצְטְרִיךְ, דְּאִי כְּתַב רַחֲמָנָא ״חֵלֶב״, הָוָה אָמִינָא חֵלֶב – אִין, יוֹתֶרֶת וּשְׁתֵּי כְלָיוֹת – לָא, כְּתַב רַחֲמָנָא ״כַּאֲשֶׁר יוּרַם״.

Abaye said: Rabbi Yannai's derivation **was necessary, as, if the Merciful One had written** only the verse "All **the fat** is the Lord's," **I would say** that the **fat** of offerings of lesser sanctity, **yes,** they are included in the prohibition, but the **diaphragm and** the **two kidneys** of such offerings are **not,** even though they are also burned upon the altar. Therefore, **the Merciful One writes: "As it is taken off** from the bull of the peace offering," to teach that even these portions are subject to the prohibition of misuse.

וְאִי כְּתַב רַחֲמָנָא ״כַּאֲשֶׁר יוּרַם״, הָוָה אָמִינָא חֵלֶב אַלְיָה דִּלֵּיתָא בְּשׁוֹר – לָא, כְּתַב רַחֲמָנָא ״כָּל חֵלֶב״.

And conversely, **if the Merciful One had written** only the phrase: **"As it is taken off** from the bull," **I would say** that the prohibition applies only to those portions that are found in a bull, and that **the fat of** a sheep **tail,**[B] **which is not** found **in a bull,** is **not** included. Therefore, **the Merciful One writes: "All the fat** is the Lord's," to teach that the prohibition of misuse applies to all portions of offerings of lesser sanctity, including a sheep tail, which is referred to as fat in Leviticus 3:9.

אֲמַר לֵיהּ רַב מָרִי לְרַב זְבִיד: אִי אַלְיָה אִיקְּרֵאי ״חֵלֶב״, תִּיתַּסַר בַּאֲכִילָה! אֲמַר לֵיהּ: עָלְיךָ אָמַר קְרָא ״כָּל חֵלֶב שׁוֹר וְכֶשֶׂב וְעֵז״ – דָּבָר הַשָּׁוֶה בְּשׁוֹר וְכֶשֶׂב וְעֵז.

Rav Mari said to Rav Zevid: If a sheep **tail is called "fat," it should be prohibited for consumption,**[N] like forbidden fat. Rav Zevid **said to** Rav Mari: **With regard to your** claim, **the verse states:** "You shall eat no **fat, of ox, or sheep, or goat"** (Leviticus 7:23). This teaches that the Torah designates as forbidden fat only **an item that is** found **equally in an ox, and a sheep, and a goat.** Since the ox and goat do not have a tail that consists of a large amount of fat, the sheep's fatty tail is not prohibited.

רַב אַשִׁי אֲמַר: ״חֶלְבּוֹ הָאַלְיָה״ – אִיקְּרֵאי, ״חֵלֶב״ סְתָמָא לָא אִיקְּרֵאי. אֶלָּא מֵעַתָּה לֹא יִמְעֲלוּ בָּהּ! אֶלָּא, מְחַוְוִרְתָּא כְּדְרַב זְבִיד.

Rav Ashi said a different explanation: **It is called "the fat tail,"** but **it is not called** simply: **Fat, without specification.** The Gemara objects: **If that is so** that the addition of a modifier indicates that the tail is not truly fat, then one who derives benefit **from** the tail **should not be** liable for **misuse** of consecrated property either. **Rather, it is clear** that the correct answer is **as** stated **by Rav Zevid.**

״מַה שֶּׁאֵין כֵּן בַּדָּם״. מָנָא הָנֵי מִילֵּי? אֲמַר עוּלָּא, דְּאָמַר קְרָא: ״לָכֶם״ – שֶׁלָּכֶם יְהֵא. דְּבֵי רַבִּי יִשְׁמָעֵאל תְּנָא: ״לְכַפֵּר״ – לְכַפָּרָה נִתַּתִּיו וְלֹא לְמִעִילָה.

§ The mishna teaches: **This is not so with regard to blood,** as one who derives benefit from blood is not liable for misuse of consecrated property. The Gemara asks: **From where are these matters** derived? **Ulla said: The verse states** with regard to blood: "For the life of the flesh is in the blood, and I have given it **to you** upon the altar to make atonement for your souls" (Leviticus 17:11). The term "to you" indicates that **it shall be yours,** rather than consecrated property, and is therefore not subject to the prohibition of misuse of consecrated property. **The school of Rabbi Yishmael taught** a different derivation. By using the term "**to make atonement,**" the verse teaches that God is saying: **I gave it to** achieve **atonement, but** not to be subject **to** the prohibition against **misuse** of consecrated property.

וְרַבִּי יוֹחָנָן אָמַר: אָמַר קְרָא ״הוּא״ – הוּא לִפְנֵי כַּפָּרָה כִּלְאַחַר כַּפָּרָה, מַה לְּאַחַר כַּפָּרָה אֵין בּוֹ מְעִילָה, אַף לִפְנֵי כַּפָּרָה אֵין בּוֹ מְעִילָה.

And Rabbi Yoḥanan says that this *halakha* is derived from the latter part of **the verse,** which **states:** "For **it is** the blood that makes atonement for the soul" (Leviticus 17:11). The term "it is" teaches that the status of the blood remains as it is, i.e., **it is before atonement as** it is **after atonement.** As the Gemara will state, there is a principle that once the mitzva involving a consecrated item has been performed, the item is no longer subject to the prohibition of misuse of consecrated property. Accordingly, the term "it is" teaches that **just as after atonement,** i.e., after the blood has been sprinkled upon the altar, it is **not subject to** the prohibition against **misuse** of consecrated property, as the mitzva has already been performed, **so too, before atonement,** i.e., before the blood has been sprinkled upon the altar, it is **not subject to** the prohibition against **misuse** of consecrated property.

וְאֵימָא: ״הוּא״ – לְאַחַר כַּפָּרָה כִּלְפְנֵי כַּפָּרָה, מַה לִּפְנֵי כַּפָּרָה יֵשׁ בּוֹ מְעִילָה, אַף לְאַחַר כַּפָּרָה יֵשׁ בּוֹ מְעִילָה! אֵין לְךָ דָּבָר שֶׁנַּעֲשָׂה מִצְוָתוֹ וּמוּעָלִין בּוֹ.

The Gemara objects: **But** if the term "it is" teaches that the status of the blood remains the same before and after atonement, one can **say** just the opposite: **It is after atonement as** it is **before atonement. Just as before atonement** the blood **is subject to** the prohibition of **misuse** of consecrated property, **so too, after atonement it is subject to** the prohibition of **misuse** of consecrated property. The Gemara responds: This cannot be the case, since as a rule, **there is no item whose mitzva has been performed and** is still subject to the prohibition of **misusing** of consecrated property.

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וְלָא? וַהֲרֵי תְּרוּמַת הַדֶּשֶׁן דְּנַעֲשָׂה מִצְוָתוֹ וּמוּעָלִין בּוֹ, דִּכְתִיב ״וְשָׂמוֹ אֵצֶל הַמִּזְבֵּחַ״!

The Gemara asks: **And** is there **no** such case? **But there is** the mitzva of the daily **removal of the ashes**[B] of offerings burned on the altar, **the mitzva of which has been performed, and** yet one who derives benefit **from it** is liable for **misuse** of consecrated property, **as it is written:** "And he shall take up the ashes of what the fire has consumed of the burnt offering on the altar, **and he shall put them beside the altar**" (Leviticus 6:3). The ashes must be left there, where they are absorbed into the ground, and one who removes and derives benefit from them violates the prohibition against misuse of consecrated property, even though their mitzva has been performed. This contradicts the principle posited above.

מְשׁוּם דַּהֲוַאי תְּרוּמַת הַדֶּשֶׁן וּבִגְדֵי כְהוּנָּה שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד אֵין מְלַמְּדִין.

The Gemara answers: The principle does not apply in that case, **because** the mitzva of **the removal of the ashes and the** matter of the four white **priestly vestments**[B] worn by the High Priest on Yom Kippur, which may not be used again, are both specified as exceptions to the *halakha* that the prohibition of misuse of consecrated property does not apply after their mitzva has been performed. Consequently, they **are two verses that come as one,** i.e., they share a unique *halakha* not found elsewhere. **And** as a rule, **any two verses that come as one do not teach** their common element to apply to other cases. The principle therefore remains in place.

הָנֵיחָא לְרַבָּנַן דְּאָמְרִי: ״וְהִנִּיחָם שָׁם״ – מְלַמֵּד שֶׁטְּעוּנִין גְּנִיזָה. אֶלָּא לְרַבִּי דּוֹסָא דַּאֲמַר: שֶׁלֹּא יִשְׁתַּמֵּשׁ בָּהֶן לְיוֹם הַכִּפּוּרִים אַחֵר, מַאי אִיכָּא לְמֵימַר?

The Gemara raises a further difficulty: **This works out well according to** the opinion of **the Rabbis, who say** that the verse: "And he shall take off the linen garments, which he wore when he went into the Sanctuary, **and shall leave them there**" (Leviticus 16:23), **teaches that** these four white garments worn by the High Priest on Yom Kippur are not fit for further use, and **they require interment.**[H] **But according to** the opinion of **Rabbi Dosa, who said** that the verse teaches only **that** the High Priest **may not use** the vestments **on Yom Kippur** in **a different** year, but they are fit for an ordinary priest and do not require interment, **what is there to say?** If the priestly vestments are not an exception to the *halakha* that there is no prohibition of misuse of consecrated property after the performance of a mitzva, the removal of the ashes remains as the only exception. Why, then, does it not serve as a paradigm for other instances in the Torah?

אֶלָּא, מִשּׁוּם דַּהֲוַאי תְּרוּמַת הַדֶּשֶׁן וְעֶגְלָה עֲרוּפָה שְׁנֵי כְּתוּבִים הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְּתוּבִים הַבָּאִין כְּאֶחָד אֵין מְלַמְּדִין.

The Gemara responds: **Rather,** it is **because** the cases of the **removal of the ashes and the heifer whose neck is broken** to atone for an unsolved murder (Deuteronomy 21:1–9) **are two verses that come as one,** as it is also prohibited to derive benefit from the heifer after its mitzva is performed. **And any two verses that come as one do not teach** their common element to apply to other cases.

הָנֵיחָא לְמַאן דְּאָמַר אֵין מְלַמְּדִין, אֶלָּא לְמַאן דְּאָמַר מְלַמְּדִין מַאי אִיכָּא לְמֵימַר? תְּרֵי

The Gemara asks: **This works out well according to the one who says** that two verses that come as one **do not teach** their common element to apply to other cases, **but according to the one who says** that two verses that come as one do **teach** their common element to apply to other cases, **what is there to say?** The Gemara answers: **Two**

HALAKHA

Teaches that they require interment – מְלַמֵּד שֶׁטְּעוּנִין גְּנִיזָה: The worn-out garments of the High Priest must be buried. The same applies to the white garments in which he serves on Yom Kippur. It is prohibited to derive any benefit from them, in accordance with the opinion of the Rabbis (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 8:5).

BACKGROUND

Removal of the ashes – תְּרוּמַת הַדֶּשֶׁן: There is a positive mitzva to remove some of the ashes from the altar each morning and bring them to the floor of the courtyard. The verse states: "And he shall take up the ashes to which the fire has reduced the burnt offering on the altar, and place them beside the altar" (Leviticus 6:3). This was the first of the daily rites performed in the Temple. In addition, from time to time, when the ashes accumulated, they would be removed from the Temple to a designated place outside Jerusalem called the Place of the Ashes. The fact that the ashes were placed in a designated location indicates that they retained some measure of sanctity, and were therefore subject to misuse (Rabbeinu Gershom on *Me'ila* 11b). Rashi explains that the purpose of storing the ashes away was to prevent people from deriving benefit from them. According to this interpretation as well, it follows that there exists a prohibition against the misuse of consecrated property with regard to them.

Priestly vestments – בִּגְדֵי כְהוּנָּה: An ordinary priest serves in four vestments: Tunic, trousers, mitre, and belt. These garments are made of white linen, except the belt, which is made of linen and wool, and their thread is sixfold. The High Priest wears the four garments of a common priest plus four additional garments: Robe, ephod, breastplate, and frontplate.



Eight vestments of the High Priest

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HALAKHA

Any item that has permitting factors, either with regard to a person or with regard to the altar, one is liable for eating it due to *piggul* – כָּל שֶׁיֵּשׁ לוֹ מַתִּירִין בֵּין לָאָדָם וּבֵין לַמִּזְבֵּחַ חַיָּיבִין עָלָיו מִשּׁוּם פִּגּוּל: One is liable to receive *karet* for rendering an offering *piggul* only for partaking of items that were rendered permitted either for human consumption or for the altar. If one ate from the permitting factor itself, he is not liable to receive *karet* but is flogged, like one who eats other consecrated items that were disqualified but that do not have *piggul* status. Consequently, one who partakes of blood is not liable for eating *piggul*, as the presentation of the blood on the altar permits the sacrificial portions to be burned upon the altar (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 18:7).

מִיעוּטֵי כְּתִיבִי, הָכָא כְּתִיב ״וְשָׂמוֹ״, הָתָם כְּתִיב ״הָעֲרוּפָה״.

exclusions are written in these two cases, which indicate that this *halakha* applies to them alone. **Here,** with regard to the removal of ashes, **it is written: "And he shall put it"** (Leviticus 6:3), indicating that this *halakha* applies to "it," and nothing else. **There,** with regard to the heifer whose neck is broken, **it is written: "Whose neck was broken"** (Deuteronomy 21:6). This superfluous description teaches that the *halakha* that the prohibition of misuse of consecrated property is in effect even after the performance of a mitzva applies solely to this case and should not be extended to others.

וּתְלָתָא קְרָאֵי לָמָּה לִי בְּדָם?

The Gemara returns to the three phrases from Leviticus 17:11 cited above as teaching that the blood of offerings is not subject to the prohibition of misuse of consecrated property: **And why do I** need all **three verses** stated **with regard to blood?**

חַד לְמַעוּטֵי מִנּוֹתָר, וְחַד לְמַעוּטֵי מִמְּעִילָה, וְחַד לְמַעוּטֵי מִטּוּמְאָה.

The Gemara answers: **One** term serves **to exclude** blood **from** the prohibition of ***notar.*** If one consumed the blood of such an offering, he is not liable for consuming *notar* as one who consumed the flesh would be. Rather, he is liable for violating only the prohibition against consuming blood. **And one** term serves **to exclude** blood **from** the prohibition against **misuse** of consecrated property, **and one** other term serves **to exclude** it **from** the prohibition of consumption of offerings in a state of **ritual impurity.** If one consumed this blood in a state of ritual impurity, he is liable only for consuming blood, but not for consuming consecrated food while ritually impure.

אֲבָל מִפִּגּוּל לָא צְרִיךְ קְרָא, דִּתְנַן: כָּל שֶׁיֵּשׁ לוֹ מַתִּירִין בֵּין לָאָדָם וּבֵין לַמִּזְבֵּחַ – חַיָּיבִין עָלָיו מִשּׁוּם פִּגּוּל, וְדָם גּוּפֵיהּ מַתִּיר הוּא.

But no verse is required to exclude this blood **from** the *halakha* of ***piggul,*** an offering sacrificed with intention to consume it beyond its designated time, consumption of which is punishable by *karet*, as this exception is already derived from another source. **As we learned** in a mishna (*Zevaḥim* 43a): Concerning **any** item **that has permitting factors, either with regard to** consumption by **a person or with regard to** burning on **the altar, one is liable for** eating **it due to** violation of the prohibition of ***piggul.***[H] **But** the permitting factor itself is not subject to *piggul*, and the **blood** of an offering **is itself a permitting factor,** as consumption of the offering by a person or by the altar is only permitted after the blood has been sprinkled on the altar. Therefore, the blood is not subject to the prohibition of *piggul*.

הדרן עלך כל הבשר

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Summary of **Perek VII**

This chapter primarily delineated the details of the prohibition of meat cooked in milk. These *halakhot* were discussed both with regard to the definition of the prohibition itself as well as with regard to practical guidelines.

It is accepted that the phrase: "You shall not cook a kid in its mother's milk" (Exodus 23:19, 34:26; Deuteronomy 14:21), is a general prohibition that includes the meat of both large and small animals, and that the milk need not be that of the animal's mother. The Gemara concludes, though, that by Torah law, only the meat and milk of domesticated animals are prohibited, but not the meat and milk of undomesticated animals or birds. Nevertheless, since the meat of undomesticated animals, and even that of birds, is generally considered meat, it is prohibited by rabbinic law to cook them in milk, as is the case with the meat of domesticated animals. The flesh of other animals, such as fish and grasshoppers, is not classified as meat, and it is permitted to cook them in milk *ab initio*.

The Sages taught that the prohibition of meat cooked in milk includes three separate prohibitions: One may not cook meat in milk, one may not eat meat and milk cooked together, and one may not derive benefit from such a dish.

Since it is permitted to eat both meat and milk when they are separate from one another, the Sages were concerned that people might treat the prohibition lightly, and they enacted several decrees to distance people from sin. These include the prohibition against placing cooked dishes of meat and milk together on the table upon which one eats unless there is a clear separation between them. Additionally, one must wait a period of time between eating meat and consuming milk. The Gemara does not specify the length of this period, and to this day there are disparate customs with regard to the amount of time one must wait between eating meat and milk.

The prohibition against mixing meat and milk does not apply by Torah law to the udders of animals and the milk they contain. Nevertheless, in practice one must remove the milk inside the udder before consuming the meat. The chapter also examined the similarly complicated case of curdling milk to make cheese using skin or rennet from an animal's stomach. Although the skin is considered meat, rennet is considered a mere secretion and cannot itself render the cheese prohibited as would prohibited food.

With regard to the scope of the prohibition of meat cooked in milk, the Gemara established that although the two are each permitted when separate, after they have been cooked together the mixture becomes prohibited in its own right, to the extent that if it is mixed into other dishes it renders them prohibited as well. In the terminology of the Gemara, the mixture is itself considered non-kosher meat. This led to a discussion of cases where a small quantity of milk was cooked with a piece of meat: Can that piece render an entire pot of meat prohibited due to the milk cooked

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with it? A similar inquiry was raised with regard to other items rendered prohibited by foreign substances.

These are the main topics of the chapter. Numerous other matters were also examined concerning local customs, desirable habits, and table manners, all of which are related, to a greater or lesser extent, to the central *halakhot* addressed in the chapter.

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Introduction to **Perek IX**

This chapter discusses issues related to the ritual impurity of dead animals. Ostensibly, it would have been more fitting for the chapter to be situated in one of the tractates of *Seder Teharot*, which discuss impurity, and not here in *Seder Kodashim*, which discusses sacrificial offerings. Nevertheless, this chapter is located in tractate *Ḥullin* due to its thematic connection to issues discussed in the tractate: Slaughter, flaying an animal's hide, severing an animal's limbs, and other themes that have implications with regard to impurity.

When discussing the impurity of animals, it is necessary to define which parts of an animal are susceptible to impurity. The animal's flesh is clearly susceptible to impurity, but what is the *halakha* with regard to its hide and bones? Can the hide or bones assume the status of flesh, e.g., if flesh is attached to them, or if they are soft enough?

In addition, it is necessary to determine the *halakha* with regard to marrow and eggs, edible substances that are completely covered. Is a completely sealed food item susceptible to impurity, or must there be a perforation for impurity to be transmitted?

These and many other questions concerning impurity are discussed in this chapter.

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מתני׳ הָעוֹר וְהָרוֹטֶב וְהַקֵּיפָּה וְהָאֲלַל וְהָעֲצָמוֹת וְהַגִּידִין וְהַקְּרָנַיִם וְהַטְּלָפַיִם

MISHNA All foods that became ritually impure through contact with a source of impurity transmit impurity to other food and liquids only if the impure foods measure an egg-bulk. In that regard, the Sages ruled that even if a piece of meat itself is less than an egg-bulk, **the** attached **hide,** even if it is not fit for consumption, joins together with the meat to constitute an egg-bulk. **And** the same is true of **the** congealed **gravy** attached to the meat, although it is not eaten; **and** likewise **the spices** added to flavor the meat, although they are not eaten; **and the meat residue** attached to the hide after flaying; **and the bones; and the tendons;**[N] **and** the lower section of **the horns,** which remains attached to the flesh when the rest of the horn is removed; **and** the upper section of **the hooves,** which remains attached to the flesh when the rest of the hoof is removed.

מְצָטְרְפִין לְטַמֵּא טוּמְאַת אוֹכָלִין, אֲבָל לֹא טוּמְאַת נְבֵלוֹת.

All these items **join together** with the meat to constitute the requisite egg-bulk **to impart the impurity of food.**[H] Although if any of them was an egg-bulk they would not impart impurity of food, when attached to the meat they complete the measure. **But** they do **not** join together to constitute the measure of an olive-bulk required to impart **the impurity of animal carcasses.**[H]

כֵּיוֹצֵא בּוֹ, הַשּׁוֹחֵט בְּהֵמָה טְמֵאָה לְגוֹי וּמְפַרְכֶסֶת – מְטַמְּאָה טוּמְאַת אוֹכָלִין, אֲבָל לֹא טוּמְאַת נְבֵלוֹת, עַד שֶׁתָּמוּת אוֹ עַד שֶׁיְּהֵא רֹאשָׁהּ. רִיבָּה לְטַמֵּא טוּמְאַת אוֹכָלִין מִמַּה שֶׁרִיבָּה לְטַמֵּא טוּמְאַת נְבֵלוֹת.

Similarly, there is another item that imparts impurity of food but not impurity of animal carcasses: In the case of **one who slaughters a non-kosher animal for a gentile and** the animal **is** still **twitching**[NH] and comes into contact with a source of impurity, the animal becomes impure with impurity of food and **imparts impurity of food** to other food, **but** does **not** impart **impurity of animal carcasses until** it **dies, or until one severs its head.**[H] The mishna summarizes: The Torah **included** certain items **to impart impurity of food beyond those which it included to impart impurity of animal carcasses.**

רַבִּי יְהוּדָה אוֹמֵר: הָאֲלַל הַמְכוּנָּס, אִם יֵשׁ בּוֹ כַּזַּיִת בְּמָקוֹם אֶחָד – חַיָּיב עָלָיו.

Rabbi Yehuda says: With regard to **the meat residue** attached to the hide after flaying **that** was **collected, if there is an olive-bulk of it in one place** it imparts impurity of an animal carcass, and one who contracts impurity from it and then eats consecrated foods or enters the Temple is **liable** to receive *karet*.[B] By collecting it in one place, the person indicates that he considers it as meat.

NOTES

And the tendons – וְהַגִּידִין: The tendons, like the other parts of the animal mentioned in the mishna, join together with the flesh to constitute the requisite egg-bulk to transmit impurity of food, but they do not join together to constitute the measure of an olive-bulk required to transmit impurity of a carcass. Rashi explains that the reason for the latter principle is that it is written: "Its carcass [*benivlatah*]" (Leviticus 11:39), indicating that this impurity applies only to one who touches its carcass, but not its hide, its bones, or its tendons. The later commentaries question this explanation of the mishna's ruling with regard to tendons, based on Rashi's comment in tractate *Pesaḥim* (22a) that the tendons are considered part of the carcass. If tendons are considered part of the carcass, they should not be excluded from transmitting impurity of a carcass by the term "its carcass." The Rashash explains that despite the fact that tendons are included in the term carcass, the extra letter *heh* at the end of the term *benivlatah* excludes tendons from transmitting impurity of a carcass.

One who slaughters a non-kosher animal for a gentile and the animal is still twitching – הַשּׁוֹחֵט בְּהֵמָה טְמֵאָה לְגוֹי וּמְפַרְכֶסֶת: Rashi states that there are four specific conditions with regard to this *halakha*: The slaughter must be performed by a Jew, it must be a kosher slaughter, it must be a non-kosher animal that is being slaughtered, and the animal must be slaughtered for the sake of a gentile. Rashi explains the need for these conditions as follows: Ritual slaughter permits consumption of a kosher animal for a Jew immediately, even if it is still twitching. Therefore, although consumption of the animal is forbidden in this case, the intention of the one slaughtering the animal deems the animal as food during the time while the animal is still twitching, for the purpose of the *halakha* of transmitting the impurity of food. By contrast, an animal that is slaughtered improperly is fit for consumption by a gentile only when it stops twitching and is fully dead. Therefore, if the slaughter was invalid, either because it was performed by a gentile or the animal was killed via a method other than ritual slaughter, the animal is not deemed as food during the time of twitching. In addition, if the non-kosher animal was slaughtered for the sake of a Jew it cannot be considered food because it is unfit for consumption by a Jew. As for the reason that the mishna specifically discusses a non-kosher animal as opposed to a kosher animal, Rashi explains that once this *halakha* has been established with regard to a non-kosher animal, it certainly is applicable to a kosher animal as well.

BACKGROUND

***Karet* – כָּרֵת:** *Karet* is a divine punishment for serious transgressions. The precise nature of this punishment is a matter of dispute among the commentaries. The various interpretations include premature or sudden death, barrenness and the death of the sinner's children, and excision of the soul from the World-to-Come. *Karet* applies only to one who intentionally commits a transgression. If one transgresses a prohibition that is punishable by *karet* in the presence of witnesses, he is subject either to the penalty of lashes or execution by an earthly court, depending upon the prohibition. One who inadvertently transgresses one of the prohibitions punishable by *karet* must bring a sin offering as atonement. Thirty-six transgressions punishable by *karet* are listed in tractate *Karetot*. All of these are violations of prohibitions, with two exceptions: Neglecting to sacrifice the Paschal offering and failure to ensure that one is circumcised.

HALAKHA

All these items join together with the meat to impart the impurity of food – מְצָטְרְפִין לְטַמֵּא טוּמְאַת אוֹכָלִין: The hide attached to the meat; the gravy; the spices; the meat residue attached to the hide after flaying, some of which he intended to eat and some of which he did not, some of which was severed with a knife and some by an animal; the bones attached to the meat; the tendons; the lower sections of the horns, the hooves, the wings, the feathers, the beak, and the talons adjacent to the flesh are all susceptible to impurity, transmit impurity, and join together with the meat to constitute the requisite measure of an egg-bulk or one half of a half-loaf of bread to transmit impurity of food (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 4:4).

But they do not join together to impart the impurity of animal carcasses – אֲבָל לֹא טוּמְאַת נְבֵלוֹת: With regard to an animal carcass, the hide, the meat residue attached to the hide after flaying, the bones, the tendons, the lower section of the horns that remains attached to the flesh when the rest of the horn is removed, and the hooves, including the section that remains attached to the flesh after the hoof is removed, all transmit impurity when they are attached to an olive-bulk of the meat. But they do not join together to constitute the measure of an olive-bulk required to transmit the impurity of animal carcasses (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:7).

One who slaughters a non-kosher animal for a gentile and the animal is still twitching – הַשּׁוֹחֵט בְּהֵמָה טְמֵאָה לְגוֹי וּמְפַרְכֶסֶת: If one slaughters a non-kosher animal for a gentile and the animal is still twitching and comes into contact with a source of impurity, the animal becomes impure with impurity of food (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:4, 2:6).

But does not impart impurity of animal carcasses until it dies, or until one severs its head – אֲבָל לֹא טוּמְאַת נְבֵלוֹת עַד שֶׁתָּמוּת אוֹ עַד שֶׁיְּהֵא רֹאשָׁהּ: If one slaughters a non-kosher animal for a gentile and the animal is still twitching and comes into contact with a source of impurity, the animal does not impart impurity of a carcass until it stops twitching and dies, or until one severs its head (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:1).

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BACKGROUND

Wheat…and barley in its shell – חִטָּה...וּשְׂעוֹרָה בְּקִלְיפָתָהּ: Grain seeds are composed of two coverings: An outer shell or husk that covers the kernel while it is on the stalk, and an inner shell that falls off when the grain is ground. The outer shell serves as protection, but the inner shell is considered part of the food (Rashi).



Wheat kernels and husk

גמ׳ תְּנֵינָא לָהָא, דְּתָנוּ רַבָּנַן: שׁוֹמְרִים – לְטוּמְאָה קַלָּה, וְלֹא שׁוֹמְרִים לְטוּמְאָה חֲמוּרָה.

GEMARA The mishna teaches that the attached hide joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food even though it is not fit for consumption. This is because the hide acts as a protective cover for the meat. But it does not join to constitute the measure of an olive-bulk required to impart the impurity of animal carcasses. The Gemara notes: **We learn** in the mishna **that which the Sages taught** explicitly in a *baraita*: An appendage that serves as **protection** joins together with food **with regard to a light** level of **impurity,** such as the impurity of food, which can be transmitted only to food but not to people or vessels. **But protection** attached to food does **not** join together with food **with regard to a severe** level of **impurity,** such as the impurity of an animal carcass, which can be transmitted even to people and vessels.

שׁוֹמְרִים לְטוּמְאָה קַלָּה מְנָלַן? דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״עַל כָּל זֶרַע זָרוּעַ״ – בְּדֶרֶךְ שֶׁבְּנֵי אָדָם מוֹצִיאִין לִזְרִיעָה, חִטָּה בְּקִלְיפָתָהּ, וּשְׂעוֹרָה בְּקִלְיפָתָהּ, וַעֲדָשִׁים בְּקִלְיפָתָן.

The Gemara asks: **From where do we** derive that **protection** joins together with food **with regard to a light** level of **impurity?** The Gemara answers that it is derived from a verse, **as the school of Rabbi Yishmael taught:** With regard to the *halakhot* of imparting impurity of food, the verse states: "And if anything falls from their carcass **upon any sowing seed** that is sown, it is pure. But if water is put upon the seed, and any of the carcass falls on it, it is impure for you" (Leviticus 11:37–38). The phrase "upon any sowing seed" indicates that the entire seed is susceptible to impurity when it is in a state where it is **typical for people to take it out** to the field **for sowing:** This applies to **wheat in its shell, and barley in its shell,**[B] **and lentils in their shells.** This demonstrates that shells and other components that protect the food are considered part of the food with regard to a light level of impurity.

וְלֹא שׁוֹמְרִים לְטוּמְאָה חֲמוּרָה מְנָלַן? דְּתָנוּ רַבָּנַן: ״בִּנְבֵלָתָהּ״ – וְלֹא בְּעוֹר שֶׁאֵין עָלָיו כַּזַּיִת בָּשָׂר.

The Gemara asks: **From where do we** derive that **protection does not** join together with the food **with regard to a severe** level of **impurity?** The Gemara answers that it is **as the Sages taught** in a *baraita*: With regard to the impurity of a carcass, the verse states: "And if any animal of which you may eat dies, one who touches **its carcass** shall be impure until the evening" (Leviticus 11:39). This indicates that only one who touches the flesh of the carcass becomes impure, **but** one who touches the **hide** of the carcass **upon which there is not an olive-bulk of flesh** does **not** become impure.

Perek **IX**
Daf **118** Amud **a**

יָכוֹל הַנּוֹגֵעַ בְּנֶגֶד בָּשָׂר מֵאֲחוֹרָיו לֹא יְהֵא טָמֵא? תַּלְמוּד לוֹמַר ״יִטְמָא״.

One **might** have thought that only one who touches the flesh of the carcass becomes impure, but **one who touches the external** side of the hide of the carcass that is **aligned with the flesh,** but does not touch the flesh itself, **does not become impure.** Therefore, **the verse states:** "One who touches its carcass **shall be impure** until the evening" (Leviticus 11:39). It is derived from the term "shall be impure" that even one who touches the hide in this manner becomes impure.

מַאי קָאָמַר? אֲמַר רָבָא, וְאָמְרִי לָהּ כְּדֵי: חֲסוּרֵי מִיחְסְרָא וְהָכִי קָתָנֵי, ״בִּנְבֵלָתָהּ״ – וְלֹא בְּעוֹר שֶׁאֵין עָלָיו כַּזַּיִת בָּשָׂר וְעוֹר מַשְׁלִימוֹ לְכַזַּיִת.

The Gemara asks: **What is** the *baraita* **saying?** The first clause of the *baraita* teaches that the hide does not impart impurity of a carcass while the latter clause teaches that one who touches the hide does become impure with the impurity of a carcass. **Rava said, and some say it unattributed:** The *baraita* **is incomplete and this** is what **it is teaching:** The term **"its carcass"** teaches that one who touches the flesh of a carcass becomes impure **but** one who touches the **hide** of a carcass **upon which there is not an olive-bulk of flesh** does **not** become impure. **And** even if the volume of the **hide** together with the flesh **adds up to an olive-bulk,** the hide does not join together with the flesh to constitute the measure of an olive-bulk required to impart impurity of an animal carcass.

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יָכוֹל שֶׁאֲנִי מוֹצִיא אַף עוֹר שֶׁיֵּשׁ עָלָיו כַּזַּיִת בָּשָׂר, הַנּוֹגֵעַ בְּנֶגֶד בָּשָׂר מֵאֲחוֹרָיו, יָכוֹל לֹא יְהֵא טָמֵא, וַאֲפִילּוּ מַעֲשֶׂה יָד נַמִּי לָא עָבֵיד?

One **might** have thought **that I remove** from the category of impurity of a carcass **even a hide upon which there is an olive-bulk of flesh** with regard to **one who touches the external** side of the hide of the carcass that is **aligned with the flesh** but does not touch the flesh itself. One **might** have thought that **he does not become impure** in such a case, **and** that the hide in this case **does not even constitute a handle**[N] of the flesh, which would render one who touches it impure as though he touched the flesh itself.

תַּלְמוּד לוֹמַר ״יִטְמָא״.

Therefore, **the verse states: "Shall be impure,"**[H] from which it is derived that even though an appendage that serves as protection for the flesh does not join together with the flesh to constitute the measure of an olive-bulk required to impart the impurity of animal carcasses, it is considered a handle of the flesh, which does impart impurity. Therefore, if there is an olive-bulk of flesh attached to the hide, one who touches the outside of the hide becomes impure, even if he did not touch the flesh.

תְּנַן הָתָם: כָּל שֶׁהוּא יָד וְלֹא שׁוֹמֵר – טָמֵא וּמְטַמֵּא וְאֵינוֹ מִצְטָרֵף.

§ The Gemara discusses the transmission of impurity of food with regard to accessories that serve as a handle and that provide protection. **We learned** in a mishna **there** (*Okatzin* 1:1): With regard to **any** appendage **that** serves as **a handle,** i.e., a part that one holds while eating the food, **but** does **not** provide **protection,**[H] the attached food becomes **impure** if the handle comes into contact with a source of impurity, **and** the handle **transmits impurity** from the attached food to other foods that come into contact with the handle. **But** the handle **does not join together** with the food to constitute the requisite measure to impart impurity.

שׁוֹמֵר, וְאַף עַל פִּי שֶׁאֵינוֹ יָד – טָמֵא וּמְטַמֵּא וּמִצְטָרֵף. לֹא יָד וְלֹא שׁוֹמֵר – לֹא טָמֵא וְלֹא מְטַמֵּא.

With regard to any appendage that provides **protection, even if** it does **not** serve as **a handle,** the attached food becomes **impure** if the protection comes into contact with an impure item, **and** the protection **imparts impurity, and it** also **joins together** with the food to constitute the requisite measure to impart impurity. With regard to an appendage that does **not** serve as **a handle nor** as **protection,** the attached food does **not** become **impure** if the appendage comes into contact with a source of impurity, **nor** does the appendage **impart impurity.** In addition, it does not join together with the food to constitute the requisite measure to impart impurity.

יָדוֹת הֵיכָא כְּתִיבִי? דִּכְתִיב ״וְכִי יִתַּן מַיִם עַל זֶרַע וְנָפַל מִנִּבְלָתָם עָלָיו טָמֵא הוּא לָכֶם״. ״לָכֶם״ – לְכָל שֶׁבְּצָרְכֵיכֶם, לְרַבּוֹת אֶת הַיָּדוֹת.

The Gemara asks: **Where** is this *halakha* that **handles** are susceptible to and impart impurity **written?** The Gemara answers: **As it is written** with regard to the impurity of food: **"But if water is put on the seed, and any of the carcass falls on it, it is impure for you"** (Leviticus 11:38). It is derived from the term **"for you"** that **any** part **needed for your** use of the food is susceptible to impurity and imparts impurity, **including the handles** that facilitate the consumption of the food.

NOTES

Handle – יָד: The term handle refers to any part of a person, animal, vessel or food that facilitates usage of the item to which it is attached. Therefore, even a carcass can have a handle that is susceptible to impurity, such as its bones, horns and hooves. Likewise, one who touches the handle of a carcass is susceptible to impurity as if he touched the animal itself (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:7, 6:13).

HALAKHA

Therefore the verse states: Shall be impure – תַּלְמוּד לוֹמַר יִטְמָא: With regard to the hide of a carcass that is attached to an olive-bulk of flesh, a fiber attached to the hide or hair on the outside of the hide is susceptible to impurity because the hide, along with its hair, is considered an appendage that protects the flesh. This *halakha* applies only if the flesh was detached from the carcass by an animal, but if it was detached by a knife, then if the flesh is shallow, it is insignificant (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:11).

Any appendage that serves as a handle but does not provide protection, etc. – כָּל שֶׁהוּא יָד וְלֹא שׁוֹמֵר וכו': With regard to any appendage that serves as a handle but does not provide protection, the attached food becomes impure if the handle comes into contact with a source of impurity. In addition, the handle transmits impurity from the attached food to other foods that come into contact with the handle, but the handle does not join together with the food to constitute the requisite measure to impart impurity. With regard to any appendage that provides protection but does not serve as a handle, the attached food becomes impure if the protection comes into contact with a source of impurity. Moreover, the protection imparts impurity, and it also joins together with the food to constitute the requisite measure to impart impurity. An appendage that does not serve as a handle nor as protection is not susceptible to impurity, nor does it impart impurity, and it does not join together with the food to constitute the requisite measure to impart impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:2, 5).

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וּכְתִיב ״וְכִי יָמוּת מִן הַבְּהֵמָה אֲשֶׁר הִיא לָכֶם״, ״לָכֶם״ – לְכָל שֶׁבְּצָרְכֵיכֶם, לְרַבּוֹת אֶת הַיָּדוֹת, יָד לְהַכְנִיס וּלְהוֹצִיא.

And furthermore **it is written** with regard to the impurity of a carcass: "**And if any animal which is for you** to consume **dies,** one who touches its carcass shall be impure until the evening" (Leviticus 11:39). The term "**for you**" indicates that **any** part **needed for your** use of the carcass imparts impurity, **including the handles.** One who touches the handle of an item that is impure with impurity of a carcass becomes impure as though he touched the carcass itself. These two verses teach that **a handle** transmits impurity both **with regard to importing** impurity into the attached food **and with regard to exporting** impurity from the attached food.

שׁוֹמֵר לְהַכְנִיס וּלְהוֹצִיא לָא צְרִיךְ קְרָא, קַל וָחוֹמֶר, מַיָּד אָתֵי: וּמָה יָד שֶׁאֵינָהּ מְגִינָּה – מַכְנֶסֶת וּמוֹצִיאָה, שׁוֹמֵר – לֹא כָּל שֶׁכֵּן!

A verse is not needed to derive that **protection** both **imports and exports** impurity. This *halakha* **is inferred *a fortiori* from** the *halakha* of **a handle: If a handle, which** is treated more leniently than protection because it **does not protect** the food, nevertheless both **imports and exports** impurity, then with regard to **protection,** which is treated more stringently than a handle because it protects the food, should it **not all the more so** import and export impurity?[N]

שׁוֹמֵר דִּכְתַב רַחֲמָנָא לָמָּה לִי – שְׁמַע מִינָּהּ: לְצָרֵף.

Since this is so, **why do I** need the verse **that the Merciful One writes** from which it is derived that **protection** is considered part of the food with regard to ritual impurity, i.e., the verses: "Upon any sowing seed that is sown… It is impure for you" (Leviticus 11:37–38)? **Conclude from** these verses that protection not only imparts impurity, but even **joins together** with the food to constitute the requisite measure to impart impurity.

וְאֵימָא: יָד – לְהַכְנִיס וְלֹא לְהוֹצִיא, שׁוֹמֵר – לְהַכְנִיס וּלְהוֹצִיא, אֲבָל יָד לְהוֹצִיא, וְשׁוֹמֵר לְצָרֵף – לֹא!

The Gemara challenges: **But say** that these verses should be interpreted differently: **A handle,** which is treated more leniently than protection, is considered part of the food such that it **imports but does not export** impurity. **Protection,** which is treated more stringently than a handle, is considered like food **to import and export** impurity. **But** it is **not** derived that **a handle exports** impurity nor that **protection joins together** with the food to constitute the requisite measure to impart impurity.

יָד לְהַכְנִיס וְלֹא לְהוֹצִיא לָא מָצֵית אָמַרְתְּ, הָשְׁתָּא עַיּוּלֵי מְעַיְּילָא, אַפּוּקֵי מִיבָּעְיָא?!

The Gemara explains: **You cannot say** that **a handle** is considered part of the food such that it **imports but does not export** impurity for the following reason: **Now** that the handle is considered part of the food with regard to **importing** impurity into the food, **is** it **necessary** to state that it **exports** impurity?[N] If a handle can cause ritually pure food attached to it to become impure, certainly it can transmit the impurity of impure food attached to it to other foods. Consequently, since a handle both imports and exports impurity, it is inferred *a fortiori* that protection also imports and exports impurity. It is therefore derived from the verse concerning appendages that serve as protection that protection joins together with the food to constitute the requisite measure to impart impurity.

וְאֵימָא: יָד – לְהוֹצִיא וְלֹא לְהַכְנִיס, שׁוֹמֵר – לְהוֹצִיא וּלְהַכְנִיס, אֲבָל יָד לְהַכְנִיס וְשׁוֹמֵר לְצָרֵף – לָא!

The Gemara challenges: **But say** instead that **a handle,** which is treated more leniently than protection, is considered part of the food such that it **exports but does not import** impurity. **Protection,** which is treated more stringently than a handle, both **exports and imports** impurity. **But** it is **not** derived that **a handle imports** impurity **nor** that **protection joins together** with the food to constitute the requisite measure to impart impurity.

NOTES

Protection, should it not all the more so import and export impurity – שׁוֹמֵר לֹא כָּל שֶׁכֵּן: Protection serves a more important role than that of a handle, as without protection the object would be destroyed. A handle facilitates using the object but is not essential to the existence of the object. Therefore, if a handle is considered a necessary component of the object, then all the more so protection is considered a necessary component of the object (*Yosef Da'at*).

Now that the handle is importing impurity, is it necessary to state that it exports impurity – הָשְׁתָּא עַיּוּלֵי מְעַיְּילָא אַפּוּקֵי מִיבָּעְיָא: The early commentaries explain that if a handle imports impurity from an external source into the object to which it is attached, this indicates that the status of the object follows that of its handle. If that is so, then it is logical that the status of the handle also follows that of the object, and the handle exports impurity from that object and imparts the impurity to an external object that it touches (Ran). The later commentaries disagree with this explanation and understand that exporting impurity does not mean that impurity is exported from one object to another object via the handle. Rather, it means that the handle itself becomes impure if the object to which it is attached is impure (*Torat Ḥayyim*).

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יָד יְתֵירָא כְּתִיב ״תַּנּוּר וְכִירַיִם יֻתָּץ״ וגו׳.

The Gemara explains: There is **an additional** derivation with regard to **a handle,** as **it is written** with regard to the impurity of vessels: "And everything upon which any part of their carcass falls shall be impure; whether **an oven, or a range for pots, it shall be broken** in pieces; they are impure, and shall be impure for you" (Leviticus 11:35).

״לָכֶם״ – לְכָל שֶׁבִּצְרָכֵיכֶם, לְרַבּוֹת אֶת הַיָּדוֹת.

It is derived from the term "**for you**" that **any** part **needed for your** use of a vessel has the impurity status of the vessel itself, **including the handles.** Therefore, if the vessel comes into contact with a source of impurity, the handle is considered part of the vessel and is also rendered impure. Consequently, there are two derivations with regard to a handle: One teaches that a handle imports impurity into the object to which it is attached, and the other teaches that a handle exports impurity from the object. It is derived through *a fortiori* inference from the *halakha* of a handle that protection both imports and exports impurity, and therefore the verse that states "Upon any sowing seed" teaches that protection joins together with the food to constitute the requisite measure to impart impurity.

הֵי מִינַּייהוּ מְיַיתַּר?

The Gemara asks: With regard to these three verses that are interpreted as referring to handles, one of which discusses the impurity of food, one of which discusses the impurity of vessels, and one of which discusses the impurity of carcasses, **which of them is superfluous** such that one can derive from it that a handle does not merely export impurity from the food but imports impurity to the food as well? All of these verses are necessary to teach that a handle exports impurity.

לִכְתּוֹב רַחֲמָנָא בִּזְרָעִים, וְלֵיתוּ הָנָךְ מִינַּייהוּ, מַה לִּזְרָעִים שֶׁכֵּן טוּמְאָתָן מְרוּבָּה!

The Gemara elaborates on the question: **Let the Merciful One write** that a handle exports impurity **with regard to** the impurity of **seeds,** i.e., food, **and let those** matters, i.e., that it exports the impurity of vessels and animal carcasses, **be derived from it.** But one cannot infer from the impurity of food that a handle exports the impurity of vessels, as **what** is notable **about seeds?** It is notable **in that they have a greater** susceptibility to **impurity.** Food is susceptible to even second-degree impurity, whereas vessels are susceptible to only first-degree impurity. Likewise, one cannot derive from the impurity of food that a handle exports the impurity of an animal carcass because the impurity of food applies to more items, as is taught in the mishna that some items are susceptible to the impurity of food but not to the impurity of animal carcasses.

לִכְתּוֹב רַחֲמָנָא בְּתַנּוּר, וְלֵיתֵי הָנָךְ מִינַּיהּ – מַה לְּתַנּוּר שֶׁכֵּן מְטַמֵּא מֵאֲוִירוֹ!

Let the Merciful One write that a handle exports impurity **with regard to** the impurity of **an oven,** i.e., vessels, **and let those** matters, i.e., that it exports the impurity of food and the impurity of an animal carcass, **be derived from it.** But this inference is also not valid, as **what** is notable **about** the impurity of **an oven?** It is notable **in that** a vessel **transmits impurity** to foods not only through contact but also **through its airspace,** whereas those other types of impurity do not share this element of stringency.

לִכְתּוֹב רַחֲמָנָא בִּנְבֵלָה, וְלֵיתֵי הָנָךְ מִינָּהּ – מַה לִּנְבֵלָה שֶׁכֵּן מְטַמְּאָה אָדָם, וּמְטַמְּאָה בְּמַשָּׂא, וְטוּמְאָה יוֹצְאָה מִגּוּפָהּ!

Let the Merciful One write that a handle exports impurity **with regard to** the impurity of an animal **carcass, and let those** matters, i.e., that it exports the impurity of food and of vessels, **be derived from it.** But this inference is also not valid, as **what** is notable **about** the impurity of **a carcass?** It is notable **in that** a carcass **transmits impurity to a person, and transmits impurity to** one **carrying** the carcass even if he is not touching it, **and** its **impurity emanates from its body** and does not originate from an external source. Those other types of impurity do not share these elements of stringency.

חָדָא מֵחָדָא לָא אָתְיָא, תֵּיתֵי חָדָא מִתַּרְתֵּי.

The Gemara answers: The *halakha* of **one** of these three types of ritual impurity **cannot be derived from** the *halakha* of any **one** of the others. Yet, one of the verses is still superfluous because one can **derive** the *halakha* of **one** of these three types **from** the other **two.**

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הֵי תֵּיתֵי? לָא לִכְתּוֹב רַחֲמָנָא בִּזְרָעִים וְתֵיתֵי מֵהָנָךְ – מַה לְּהָנָךְ שֶׁכֵּן מִטַּמְּאִין שֶׁלֹּא בְּהֶכְשֵׁר, תֹּאמַר בִּזְרָעִים שֶׁאֵין מִטַּמְּאִין אֶלָּא בְּהֶכְשֵׁר!

The Gemara asks: **Which** can one **derive** from the other two? **Let the Merciful One not write** that a handle exports impurity **with regard to** the impurity of **seeds,** i.e., food, **and derive** this *halakha* **from those** two other cases, the impurity of carcasses and of vessels. But this inference is not valid, as **what** is notable **about those** cases? They are notable **in that they become ritually impure without** first being **rendered susceptible** to impurity by coming into contact with liquid. **Shall you say** the same *halakha* **with regard to seeds, which** do not share this element of stringency, as food **can become impure only** after first being **rendered susceptible** to impurity by coming into contact with liquid?

אֲמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: פֵּירוֹת שֶׁלֹּא הוּכְשְׁרוּ, כְּתַנּוּר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ דָּמֵי.

Rav Huna, son of Rav Yehoshua, said: This element of leniency is not unique to the impurity of food. **Produce that is not rendered susceptible** to impurity by coming into contact with liquid **is equivalent to an oven whose construction is not complete.**[N] An oven whose construction is incomplete is also not susceptible to impurity.

אֶלָּא פְּרֵיךְ הָכִי: מַה לְּהָנָךְ שֶׁכֵּן מִטַּמְּאִין שֶׁלֹּא בִּנְגִיעָה, תֹּאמַר בִּזְרָעִים שֶׁאֵין מִטַּמְּאִין אֶלָּא בִּנְגִיעָה!

Rather, refute this derivation **in the following manner: What** is notable **about those** cases of impurity of carcasses and vessels? They are notable **in that they become impure** even **without contact.**[N] An oven becomes impure if a creeping animal is within its airspace, and the impurity of an animal carcass originates from its own body without contact with an external source. **Shall you state** the same *halakha* **with regard to seeds, which become impure only through contact?**

לָא לִכְתּוֹב רַחֲמָנָא בְּתַנּוּר וְתֵיתֵי מֵהָנָךְ – מַה לְּהָנָךְ שֶׁכֵּן אוֹכֶל!

Let the Merciful One not write that a handle exports impurity **with regard to** the impurity of **an oven,** i.e., vessels, **and derive** this *halakha* **from those** cases, the impurity of food and carcasses. But this derivation is not valid, as **what** is notable **about those** cases of the impurity of food and carcasses? They are notable **in that they are food.** Therefore, their *halakhot* cannot necessarily be applied to an oven and other vessels that are not food.

לָא לִכְתּוֹב רַחֲמָנָא בִּנְבֵלָה וְתֵיתֵי מֵהָנָךְ – אֵין הָכִי נָמֵי. אֶלָּא יָד דִּנְבֵלָה לָמָּה לִי? אִם אֵינוֹ עִנְיָן לְיַד נְבֵלָה, תְּנֵהוּ עִנְיָן לְיַד דְּעָלְמָא,

Let the Merciful One not write that a handle exports impurity **with regard to a carcass and derive** this *halakha* **from those** cases of the impurity of food and vessels. The Gemara responds: **Yes, it is indeed so. Rather,** since one can derive in such a manner that a handle attached to a carcass imparts impurity, **why do I** need the verse to state the *halakha* of **a handle** with regard to the impurity **of a carcass? If it is not** needed for the **matter of a handle** with regard to the impurity of **a carcass, apply it** to the **matter of a handle in general** with regard to food, and derive from it that a handle imports impurity to the food.

יָד – לְהַכְנִיס, יָד – לְהוֹצִיא, שׁוֹמֵר – לְצָרְךָ.

Therefore, in summary, one can derive that **a handle imports** impurity and that **a handle exports** impurity, and one can infer that protection imports and exports impurity *a fortiori* from the *halakha* of a handle. It is therefore derived from the verse concerning protection that **protection joins together** with the food to constitute the requisite measure to impart impurity.

וְאַכַּתַּי יָד דִּנְבֵלָה אִצְטְרִיךְ, דְּאִי לָא כְּתַב רַחֲמָנָא בִּנְבֵלָה הֲוָה אָמִינָא: דַּיּוֹ לַבָּא מִן הַדִּין לִהְיוֹת כַּנִּדּוֹן, מָה הָנָךְ לֹא מְטַמְּאִי אָדָם אַף נְבֵלָה לֹא מְטַמְּאָה אָדָם!

The Gemara challenges: **But it is still necessary** for the verse to state the *halakha* that **a handle** exports impurity with regard to the impurity **of a carcass; as, if the Merciful One had not written** the *halakha* of a handle **with regard to** impurity of **a carcass, I would say: It is sufficient for the** conclusion that **emerges from** an *a fortiori* **inference to be like** its **source.** In this case, a *halakha* with regard to the impurity of carcasses which is inferred *a fortiori* from the cases of impurity of food and impurity of vessels is no more stringent than the source from which it is derived. **Just as** handles in **these** cases of impurity of food and vessels **do not transmit impurity to a person, so too** the handle of **a carcass does not transmit impurity to a person.** Therefore, the verse from which it is derived that a handle exports the impurity of a carcass **is** necessary, and cannot be applied to the matter of importing impurity.

NOTES

Produce that is not rendered susceptible is equivalent to an oven whose construction is not complete – פֵּירוֹת שֶׁלֹּא הוּכְשְׁרוּ כְּתַנּוּר שֶׁלֹּא נִגְמְרָה מְלַאכְתּוֹ דָּמֵי: Produce is rendered susceptible to impurity only after coming into contact with one of seven liquids. Although this is a Torah edict, the commentaries provide a reason for it: Laws of the Torah are applicable to objects only after their construction is complete. So too, produce becomes susceptible to impurity only after the dirt is washed off with liquid and the produce is rendered edible food. For the same reason, the owner of the produce must want the liquid to come into contact with the produce, because only in this way is contact with liquid considered an act that transforms the produce into food. Alternatively, the Ramban explains that residue of creeping animals and other sources of impurity sticks to wet produce but not to dry produce, and therefore the Torah is concerned with produce that is wet. Moreover, even after the produce dries it is still susceptible to impurity, because the Torah did not render its laws subject to circumstance (see Rashi, Rashbam, Ramban, and *Sefer HaḤinnukh* on Leviticus 11:38).

What is notable about those? They are notable in that they become impure even without contact, etc. – מַה לְּהָנָךְ שֶׁכֵּן מִטַּמְּאִין שֶׁלֹּא בִּנְגִיעָה וכו': The Gemara here is contrasting the cases discussed in the verses and not the *halakhot* of impurity. The *halakha* is that foods can also become impure in a manner other than contact, e.g., through being carried or being in a tent together with a source of impurity. But the verse with regard to seeds is discussing a case of food becoming impure through contact, whereas the verses discussing carcasses and vessels include cases of becoming impure without contact. Since the distinction between these impurities is based on a reading of the verses and not on *halakhot*, Rashi points out that any manner of objection is sufficient in this discussion to reject a proposed derivation. Alternatively, other commentaries read the Gemara differently: What is notable about those cases of impurity of carcasses and vessels? They are notable in that they both impart impurity even without contact. Shall you state the same *halakha* with regard to seeds, which impart impurity only through contact? According to this reading there is a fundamental difference between these *halakhot* of impurity, because food imparts impurity only through contact, which is not the case for a carcass and a vessel (Rashash).

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אֶלָּא, יָד דִּנְבֵלָה מִיצְרַךְ צְרִיךְ, וְשׁוֹמֵר דִּנְבֵלָה הוּא דְּלָא צְרִיךְ, לְמַאי הִלְכְתָא כְּתָבֵיהּ רַחֲמָנָא? אִי לְאִיצְטְרוּפֵי – אָמַרַתְּ: לֹא מִצְטָרֵף, וּלְהוֹצִיא – קַל וָחוֹמֶר מִיָּד אָתֵי,

The Gemara answers: **Rather, it is necessary** for the verse to state the *halakha* of **a handle** with regard to the impurity **of a carcass, but it is not necessary** for the verse to state the *halakha* of **protection** with regard to the impurity **of a carcass. With regard to what *halakha* does the Merciful One write** that verse? **If** it is teaching that protection **joins together** with the carcass to constitute the requisite measure to impart impurity, **you said** that protection **does not join together** with the carcass to constitute the requisite measure to impart impurity. **And** if it is teaching that protection **exports** the impurity of a carcass, it is not necessary to teach that, because that *halakha* **is inferred *a fortiori* from** the *halakha* of **a handle.**

אֶלָּא, אִם אֵין עִנְיָן לְשׁוֹמֵר דִּנְבֵלָה – תְּנֵהוּ עִנְיָן לְיָד דִּנְבֵלָה, וְאִם אֵינוֹ עִנְיָן לְיָד דִּנְבֵלָה – תְּנֵהוּ עִנְיָן לְיָד דְּעָלְמָא, יָד – לְהוֹצִיא, יָד – לְהַכְנִיס, וְשׁוֹמֵר – לְצָרְךָ.

Rather, if it is not needed for the **matter of protection of a carcass, apply it** to the **matter of the handle of a carcass. And if it is not** needed for the **matter of a handle of a carcass, apply it** to the **matter of a handle in general,** and derive from it that a handle imports impurity. Therefore, in summary, one can derive that **a handle exports** impurity and that **a handle imports** impurity, **and** one can derive from the verse concerning protection with regard to the impurity of food that **protection joins together** with the food to constitute the requisite measure to impart impurity.

Perek **IX**
Daf **118** Amud **b**

וְאֵימָא: אִם אֵינוֹ עִנְיָן לְשׁוֹמֵר דִּנְבֵלָה – תְּנֵהוּ עִנְיָן לְשׁוֹמֵר דְּעָלְמָא, שׁוֹמֵר לְהַכְנִיס וְשׁוֹמֵר לְצָרְךָ, אֲבָל יָד לְהַכְנִיס – לָא!

The Gemara asks: Why is it assumed that if the verse is not needed for the matter of protection of a carcass, it should be applied to the matter of a handle in general? **Say** that **if** the verse **is not** needed for the **matter of protection of a carcass, apply it** to the **matter of protection in general** with regard to food. Although it is already written: "Upon any sowing seed" (Leviticus 11:37), two verses are necessary to teach the *halakha* of protection with regard to food: One verse to teach that **protection imports** impurity **and** one to teach that **protection joins together** with the food to constitute the requisite measure to impart impurity. **But** there is **no** source from which to derive that **a handle imports** impurity.

אֶלָּא, מֵעִיקָּרָא כִּי כְּתִיבָא יָד – אַהַכְנָסָה כְּתִיבָא.

The Gemara answers: The *halakha* that a handle imports impurity is not derived from the superfluous verse written with regard to the impurity of a carcass. **Rather,** it is necessary to return to the explanation that was initially proposed, i.e., that it is written with regard to the impurity of food: "It is impure for you" (Leviticus 11:38), from which it is derived that any part needed for your use of the food imparts impurity, including handles. It was asked with regard to this derivation: Say that this verse teaches that a handle exports impurity but not that it imports impurity. The Gemara suggests: That question is not difficult. **From the outset, when** the *halakha* of **a handle is written:** "But if water is put upon the seed, and any of their carcass falls on it, it is impure for you" (Leviticus 11:38), **it is written** in the context **of importing** impurity. Therefore, it is inferred *a fortiori* that a handle exports impurity from the *halakha* that it imports impurity, and it is derived *a fortiori* from the *halakhot* of a handle that protection both imports and exports impurity. It is also derived that protection joins together with the food to constitute the requisite measure to impart impurity from that which is written: "On any sowing seed."

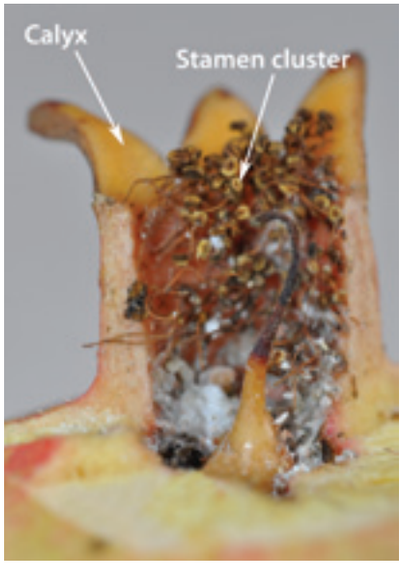
אֶלָּא שׁוֹמֵר דִּנְבֵלָה לָמָּה לִי? לְגוּפֵיהּ.

The Gemara asks: **But** if that is so, **why do I** need the verse to teach the *halakha* of **protection with regard to a carcass,** as it is written: "Shall be impure" (Leviticus 11:39)? The Gemara answers: It is necessary **for the matter itself,** to teach that the *halakha* of protection is applicable to the impurity of a carcass.

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NOTES

The protrusion [*pitma*] of a pomegranate – הַפִּיטְמָא שֶׁל רִמּוֹן: According to one opinion the *pitma* is the calyx, also known as the crown. Some commentaries explain that the *pitma* is referring to the flower above the fruit, similar to the flower that grows on the top of an apple (Rashi on *Berakhot* 36b). Others explain that the *pitma* is referring to the protuberance underneath the stamen (Rambam's Commentary on the Mishna).



Cross section of the top of a pomegranate

וְלָמַאי? אִי לְאַצְטָרוּפֵי – אָמְרַתְּ: לֹא מִצְטָרֵף. אִי לְהַכְנִיס וּלְהוֹצִיא – קַל וָחוֹמֶר מַיִם אָתְּיָא! מִילְּתָא דְּאָתְיָא בְּקַל וָחוֹמֶר טָרַח וְכָתַב לָהּ קְרָא.

The Gemara asks: **And with regard to what** *halakha* is this taught? **If** it teaches that protection **joins together** with the carcass to constitute the requisite measure to impart impurity, **you said** in the mishna that protection **does not join together** with the carcass to constitute the requisite measure to impart impurity. **If** it teaches that protection **imports and exports** the impurity of a carcass, it is not necessary for the verse to teach this *halakha* because **it is inferred *a fortiori* from** the *halakhot* of **a handle.** The Gemara answers: Sometimes there is **a matter that** could be **inferred *a fortiori,*** and **the verse** nevertheless **takes the trouble and writes it** explicitly.

אִי הָכִי, שׁוֹמֵר דְּעָלְמָא אֵימָא לָךְ – לְהַכְנִיס, וּמִילְּתָא דְּאָתֵי בְּקַל וָחוֹמֶר טָרַח וְכָתַב לָהּ קְרָא!

The Gemara objects: **If so,** one may ask: With regard to **protection in general,** i.e., with regard to food, it was established that the verse is not necessary to teach that it imports and exports impurity, and therefore the verse teaches that protection joins together with the food to constitute the requisite measure to impart impurity. **I will say to you** instead that the verse teaches that protection **imports** impurity, **and** the reason that the verse teaches this *halakha* even though it could be inferred *a fortiori* is because sometimes there is **a matter that** could **be inferred *a fortiori*** and **the verse** nevertheless **takes the trouble and writes it** explicitly.

הֵיכָא דְּאִיכָּא לְמִידְרַשׁ, דָּרְשִׁינַן.

The Gemara answers: **Where it is** possible **to interpret** the verse in a manner that a novelty is derived, **we interpret** it in such a manner and do not maintain that the verse teaches that which could be inferred *a fortiori*.

רַב חֲבִיבָא אֲמַר: שָׁאנֵי שׁוֹמֵר דְּנֶבֶלָה, כֵּיוָן דְּמַעֲשֵׂה יָד קָא עָבֵיד – אַיָּד שָׁדֵינַן לֵיהּ.

The Gemara returns to the previous proposal to derive that a handle imports impurity from the verse concerning protection of a carcass based on the reasoning that if the verse is not needed for the matter of protection of a carcass, it should be applied to the matter of a handle in general. Previously, the Gemara challenged this derivation: If the verse is not needed for the matter of protection for the impurity of a carcass, it should be applied to the matter of protection in general. **Rav Ḥaviva said** in response: The *halakha* of **protection of a carcass is different** because it imports and exports impurity but does not join together with the carcass to constitute the requisite measure to impart impurity. **Since** the protection **serves as a handle** in that it only imports and exports impurity, **we apply its** novelty **to** the *halakhot* of **a handle** and not to the *halakhot* of protection.

מַתְקִיף לָהּ רַב יְהוּדָה בַּר יִשְׁמָעֵאל, הָא דְּתַנְיָן: הַפִּיטְמָא שֶׁל רִמּוֹן – מִצְטָרֶפֶת, וְהַנֵּץ שֶׁלּוֹ – אֵין מִצְטָרֵף.

§Previously it was derived that protection joins together with the food to constitute the requisite measure to impart impurity from that which is written: "On any sowing seed that is sown" (Leviticus 11:37), indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typical for people to take it out to the field for sowing, e.g., wheat and barley in their shells. **Rav Yehuda bar Yishmael objects to this** from **that which we learned** in a mishna (*Okatzin* 2:3): **The protrusion of a pomegranate**[N] **joins together** with the pomegranate to constitute the measure of an egg-bulk that is required to impart impurity, because it provides protection for the fruit. **But its flower does not join together**[H] with the pomegranate in that regard because it does not provide protection for the fruit; rather, it provides protection for the protection of the fruit.

HALAKHA

The protrusion of a pomegranate joins together but its flower does not join together – הַפִּיטְמָא שֶׁל רִמּוֹן מִצְטָרֶפֶת וְהַנֵּץ שֶׁלּוֹ אֵין מִצְטָרֵף: The protrusion of a pomegranate joins together with the pomegranate to constitute the measure of an egg-bulk that is required to impart impurity. But its flower does not join together with the pomegranate in that calculation (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 5:21).

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וְאַמַּאי? קְרֵי בָּאן ״עַל כָּל זֶרַע זְרוּעַ״, וְלֵיכָּא!

Rav Yehuda bar Yishmael asks: **And why** does the protrusion join together with the pomegranate to constitute an egg-bulk? **Read here** that the verse states: **"On any sowing seed,"** indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typically taken out to the field for sowing. **But** pomegranates **are not** typically taken out to the field for sowing with their protrusions, since they are usually planted in the field as seedlings.

וְתוּ, הָא דְּתָנַן: הָעוֹר וְהָרוֹטֶב וְהַקֵּיפָּה וכו׳ – מִצְטָרֵף לְטַמֵּא טוּמְאַת אוֹכָלִים, מְנָלַן!

And furthermore, one can object to this derivation from **that which we learned** in the mishna: **The hide and the** congealed **gravy** attached to the meat, **and the spices,** and the meat residue, and the bones, and the tendons, and the lower section of the horns, and the section of the hooves, all **join together** with the meat to constitute the requisite egg-bulk **to impart impurity of food. From where do we** derive that these protections, although they are not sown together with the food, join together with the food to constitute the requisite measure to impart impurity?

אֶלָּא, תְּלָתָא קְרָאֵי כְּתִיבִי: ״עַל כָּל זֶרַע זְרוּעַ אֲשֶׁר יִזָּרֵע״, חַד – לְשׁוֹמֵר דְּזָרְעִים, וְחַד – לְשׁוֹמֵר דְּאִילָנוֹת, אִידָךְ – לְשׁוֹמֵר בָּשָׂר וּבֵיצִים וְדָגִים.

Rather, three terms with the root *zayin*, *reish*, *ayin* **are written** in the verse with regard to protection: **"On any sowing** [*zerua*] **seed** [*zera*] **that is sown** [*yizzare'a*]." **One** term is written **to** teach the *halakha* of **protection with regard to seeds,**[N] **and one** is written **to** teach the *halakha* of **protection with regard to trees,** and **the other** term is written **to** teach the *halakha* of **protection with regard to meat, and eggs, and fish.** Accordingly, this *halakha* is not limited to protection that is sown together with the food.

אָמַר רַב חִיָּיא בַּר אַשִׁי אָמַר רַב: יֵשׁ יָד לְטוּמְאָה וְאֵין יָד לְהָכְשֵׁר.

§ It is written: "And if anything falls from their carcass upon any sowing seed that is sown, it is pure. But if water is put upon the seed, and any of the carcass falls on it, it is impure for you" (Leviticus 11:37–38). Previously, the Gemara derived from this verse that an appendage that serves as a handle both imports impurity to and exports impurity from the food. In addition, the simple understanding teaches that food can become impure only after first being rendered susceptible to impurity by coming into contact with liquid. With regard to these two *halakhot,* **Rav Ḥiyya bar Ashi says** that **Rav says: There is** significance to **a handle with regard to** importing and exporting **impurity,** i.e., a handle imports impurity to and exports impurity from to the attached food, **but there is no** significance to **a handle with regard to rendering** the attached food **susceptible** to impurity.[BN] Rather, the food itself must come into contact with liquid directly.

וְרַבִּי יוֹחָנָן אָמַר: יֵשׁ יָד לְטוּמְאָה וּלְהָכְשֵׁר.

And Rabbi Yoḥanan says: There is significance to **a handle with regard to** importing impurity to and exporting **impurity** from the attached food, **and with regard to rendering** the attached food **susceptible** to impurity[H] even if only the handle came into contact with liquid.

בְּמַאי קָמִיפַּלְגִי? אִיבָּעֵית אֵימָא – סְבָרָא, אִיבָּעֵית אֵימָא קְרָא.

The Gemara clarifies: **With regard to what do** Rav and Rabbi Yoḥanan **disagree? If you wish, say** that they disagree with regard to **a logical argument. If you wish, say** that they disagree with regard to the interpretation of **a verse.**

BACKGROUND

Rendering susceptible to impurity – הָכְשֵׁר: In order for agricultural produce to become capable of contracting ritual impurity, it must be detached from the earth and then come into contact with water or certain other liquids. The owner of the produce must approve of the fact that the produce became wet. If the owner was not pleased, the produce still cannot contract ritual impurity. The Talmud contains numerous discussions about specific instances in which there is uncertainty as to whether or not these conditions have been fulfilled.

HALAKHA

There is a handle with regard to impurity and with regard to rendering the food susceptible to impurity – יֵשׁ יָד לְטוּמְאָה וּלְהָכְשֵׁר: Just as a handle can become impure and imports and exports impurity with regard to the attached food, so too a handle renders the attached food susceptible to impurity even if only the handle came into contact with liquid. This ruling is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 5:3).

NOTES

One term to teach the *halakha* of protection with regard to seeds, etc. – חַד לְשׁוֹמֵר דְּזָרְעִים וכו׳: The verses teach these three types of protections in order of increasing novelty. The first verse teaches that since the protective shell of a seed is planted with the seed, it also joins together with the seed that it protects to constitute the requisite measure to impart impurity. The second verse teaches a greater novelty: Even protection of produce that is not normally planted with the produce joins together with the produce to constitute the requisite measure to impart impurity. The third verse teaches an even greater novelty: This *halakha* is applicable not only to protection of produce, which can be planted together with the produce, but even to protection of a food that is not planted at all, such as the hide of an animal, the scales of fish, and the shell of an egg.

But there is no significance to a handle with regard to rendering the attached food susceptible to impurity – וְאֵין יָד לְהָכְשֵׁר וכו׳: The early commentaries explain that Rav and Rabbi Yoḥanan disagree only with regard to whether liquid that comes into contact with a handle renders the attached food susceptible to impurity. But if liquid comes into contact with an appendage serving as protection, they both agree that it renders the attached food susceptible to impurity. This is because the *halakha* that liquid renders food susceptible to impurity is derived from that which is written: "But if water is put on the seed," and the term seed is interpreted in that verse to include any protection with which it is sown (Ramban; Rashba; Ran; *Tosefot HaRosh*).

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אִיבָּעֵית אֵימָא קְרָא – מָר סָבַר: מִקְרָא נִדְרָשׁ לְפָנָיו, וְלֹא לִפְנֵי פָּנָיו.

The Gemara explains: **If you wish, say** that they disagree with regard to the interpretation of **a verse.** One **Sage,** Rav, **holds** that **a verse is interpreted homiletically** based on juxtaposition to the term immediately **preceding it and not** based on juxtaposition to the term **before the one preceding it.** In this case, the verse states: "For you," indicating inclusion of a handle with regard to the matter of imparting impurity, which is stated in the preceding phrase: "It is impure," but not with regard to the matter of rendering the attached food susceptible to impurity through contact with liquid which is stated before the preceding phrase: "If water is put."

וּמָר סָבַר: מִקְרָא נִדְרָשׁ לְפָנָיו וְלִפְנֵי פָּנָיו.

And one **Sage,** Rabbi Yoḥanan, **holds** that **a verse is interpreted homiletically** based on juxtaposition to the term immediately **preceding it, as well as** to the term **before the one preceding it.** Therefore, he maintains that a handle can also render the attached food susceptible to impurity.

אִיבָּעֵית אֵימָא סְבָרָא – מָר סָבַר: הָכְשֵׁר תְּחִלַּת טוּמְאָה הוּא. וּמָר סָבַר: הָכְשֵׁר לָאו תְּחִלַּת טוּמְאָה הוּא.

If you wish, say that they disagree with regard to **a logical argument.** One **Sage,** Rabbi Yoḥanan, **holds** that **rendering** food **susceptible** to impurity **is the initial stage of** the process of imparting **impurity**[N] to it. Therefore, just as a handle imparts impurity, it can also render the food susceptible to impurity. **And** one **Sage,** Rav, **holds** that **rendering** food **susceptible** to impurity **is not the initial stage of** the process of imparting **impurity.**

תַּנְיָא כְּוָותֵיהּ דְּרַבִּי יוֹחָנָן: כְּשֵׁם שֶׁיֵּשׁ יָד לְטוּמְאָה, כָּךְ יֵשׁ יָד לְהָכְשֵׁר. וּכְשֵׁם שֶׁאֵין מְקַבְּלִין טוּמְאָה אֶלָּא לִכְשֶׁיִּתָּלְשׁוּ, כָּךְ אֵין מְקַבְּלִין הָכְשֵׁר אֶלָּא עַד שֶׁיִּתָּלְשׁוּ.

It is taught in a *baraita* **in accordance with** the opinion **of Rabbi Yoḥanan: Just as there is** significance to **a handle with regard to** imparting **impurity** to food, **so too there is** significance to **a handle with regard to rendering** the attached food **susceptible** to impurity. **And just as** produce is susceptible to **contracting impurity only when it is detached** from the soil,[H] **so too** produce **cannot be rendered susceptible** to impurity through contact with liquid **until it is detached** from the soil.[H]

אָמַר רַב: אֵין יָד לְפָחוֹת מִכַּזַּיִת, וְאֵין שׁוּמֵר לְפָחוֹת מִכְּפוֹל.

§ The Gemara cites another disagreement between Rav and Rabbi Yoḥanan. **Rav says: There is no** *halakha* of **a handle** with regard to imparting impurity **for** a handle that is attached to **less than an olive-bulk** of food. **And there is no** *halakha* of **protection** with regard to imparting impurity **for** protection that is attached to **less than a bean-bulk**[N] of food. In addition, the protection does not join together with the food to constitute the measure of an egg-bulk required to impart the impurity of food.

וְרַבִּי יוֹחָנָן אָמַר: יֵשׁ יָד לְפָחוֹת מִכַּזַּיִת, וְיֵשׁ שׁוּמֵר לְפָחוֹת מִכְּפוֹל.

And Rabbi Yoḥanan says: There is a *halakha* of **a handle** with regard to imparting impurity **for** a handle that is attached to **less than an olive-bulk** of food. **And there is** a *halakha* of **protection** with regard to imparting impurity **for** protection that is attached to **less than a bean-bulk**[NH] of food. In addition, it joins together with the food to constitute the measure of an egg-bulk required to impart the impurity of food.

NOTES

Rendering food susceptible to impurity is the initial stage of impurity – הָכְשֵׁר תְּחִלַּת טוּמְאָה הוּא: The later commentaries question this principle, as it appears contrary to that which was previously taught: Produce that is not rendered susceptible to impurity by coming into contact with liquid is considered equivalent to an oven whose construction is not complete. They answer as follows: Since some produce needs to be washed with liquid in order to be edible, the Torah decreed that contact with liquid is considered the completion of the produce with regard to it becoming edible. Although this is not true with regard to all produce, the Torah nevertheless applies this *halakha* to all produce because the Merciful One does not distinguish between different cases. Therefore, it is possible to view rendering food susceptible to impurity as the beginning of the process of becoming impure (*Beit Yishai*).

Rav says: There is no handle for less than an olive-bulk, and there is no protection for less than a bean-bulk – אָמַר רַב אֵין יָד לְפָחוֹת מִכַּזַּיִת וְאֵין שׁוּמֵר לְפָחוֹת מִכְּפוֹל: The early commentaries explain the reason for Rav's opinion that a handle attached to less than an olive-bulk of food is not considered a handle with regard to imparting impurity, while protection attached to less than a bean-bulk of food is not considered protection with regard to imparting impurity. According to Rashi, Rav applies these two measures because they are considered significant amounts. According to the Ramban, Rav holds that an olive-bulk is the minimum measure with regard to a handle because this is the measure that imparts impurity with regard to a carcass and a corpse. With regard to protection, a bean-bulk is the minimum measure because the *halakha* of protection is derived from the verse: "On any sowing seed," and the largest type of seed is a bean.

And Rabbi Yoḥanan says: There is a handle for less than an olive-bulk, and there is protection for less than a bean-bulk – וְרַבִּי יוֹחָנָן אָמַר יֵשׁ יָד לְפָחוֹת מִכַּזַּיִת וְיֵשׁ שׁוּמֵר לְפָחוֹת מִכְּפוֹל: According to the Ramban, Rabbi Yoḥanan referred to the measures of an olive-bulk and bean-bulk only in response to Rav, but he himself holds that there is no minimum measure with regard to a handle or protection. By contrast, according to Rashi, Rabbi Yoḥanan concedes that a handle that is attached to less than a bean-bulk of food is not considered a handle with regard to imparting impurity because a measure of food smaller than a bean-bulk is not significant enough to have a handle.

HALAKHA

And just as produce is susceptible to contracting impurity only when it is detached from the soil – וּכְשֵׁם שֶׁאֵין מְקַבְּלִין טוּמְאָה אֶלָּא לִכְשֶׁיִּתָּלְשׁוּ: Produce that grows from the soil is not susceptible to impurity until it is detached. As long as the produce is attached to the soil via any root that is capable of sustaining the life of the produce, that produce is not susceptible to impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:1).

Produce cannot be rendered susceptible to impurity until it is detached from the soil – אֵין מְקַבְּלִין הָכְשֵׁר אֶלָּא עַד שֶׁיִּתָּלְשׁוּ: Produce does not become susceptible to impurity through contact with one of the seven liquids until it is detached from the soil. This must be the case, because it is known that all produce comes into contact with liquid while attached to the soil (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 12:1).

There is a handle for less than an olive-bulk, and there is protection for less than a bean-bulk – יֵשׁ יָד לְפָחוֹת מִכַּזַּיִת וְיֵשׁ שׁוֹמֵר לְפָחוֹת מִכְּפוֹל: A handle that is attached to less than an olive-bulk of food is considered a handle with regard to imparting impurity. Likewise, protection that is attached to less than a bean-bulk of food is considered protection with regard to imparting impurity, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:3).

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מֵיתִיבִי: שְׁתֵּי עֲצָמוֹת וַעֲלֵיהֶן שְׁנֵי חֲצָאֵי זֵיתִים וְהִכְנִיס רָאשֵׁיהֶן שְׁנֵיהֶם לַבַּיִת, וְהַבַּיִת מַאֲהִיל עֲלֵיהֶן – הַבַּיִת טָמֵא.

The Gemara **raises an objection** to the opinions of both Rav and Rabbi Yoḥanan from that which is taught in a *Tosefta* (*Oholot* 4:8): In a case of **two bones** that have **two halves of an olive**-bulk of flesh of a dead person **upon them,**[H] i.e., half an olive-bulk of flesh is attached to one end of each bone, **and one placed the ends of both** bones that are not directly attached to the flesh **inside a house** in such a manner that **the house overlies those** ends of the bones but not the ends of the bones attached to the flesh, it is considered as though the house is overlying the flesh itself, and **the house is impure.**

יְהוּדָה בֶּן נְקוֹסָא אוֹמֵר מִשּׁוּם רַבִּי יַעֲקֹב: הֵיאָךְ שְׁנֵי עֲצָמוֹת מִצְטָרְפִין לְכַזַּיִת?

Yehuda ben Nekosa[P] **says in the name of Rabbi Ya'akov: How can two bones join together to** constitute **an olive-bulk** if the flesh attached to each bone is less than the measure of an olive-bulk?

HALAKHA

Two bones that have two halves of an olive-bulk upon them, etc. – שְׁתֵּי עֲצָמוֹת וַעֲלֵיהֶן שְׁנֵי חֲצָאֵי זֵיתִים וכו': With regard to two bones that have on them two halves of an olive-bulk of flesh of a dead person, if one placed the ends of both bones inside a house, the house becomes impure. This *halakha* does not apply if a person actively attached the pieces of flesh to the bones (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:9).

PERSONALITIES

Yehuda ben Nekosa – יְהוּדָה בֶּן נְקוֹסָא: Rabbi Yehuda ben Nekosa, sometimes referred to without his title, lived in the generation of Rabbi Yehuda HaNasi and, like many Sages of his generation, studied under his tutelage. He also transmitted statements in the name of other Sages who lived in the previous generation, who it seems were his primary teachers. The statements of Rabbi Yehuda ben Nekosa are taught in both the Jerusalem Talmud and the Babylonian Talmud. The *midrash* relates that he debated the heretics of his day and was victorious in his disputes with them.

Perek **IX**
Daf **119** Amud **a**

וְרַב, הַאי בְּמַאי אוֹקִים לָהּ? אִי בְּיָד – קַשְׁיָא רֵישָׁא,

The Gemara explains the objection: **And** according to **Rav,** who holds that a handle that is attached to less than an olive-bulk of food or protection that is attached to less than a bean-bulk of food is not considered a handle or protection with regard to imparting impurity, **in what** manner **does he interpret this** *baraita*? **If** the *baraita* is discussing the case of a bone without marrow, and therefore the bone constitutes merely **a handle** for the flesh, which measures less than an olive-bulk, then **the first clause** of the *baraita* **is difficult,** because it indicates that a handle that is attached to less than an olive-bulk of food is considered a handle with regard to imparting impurity.

אִי בְּשׁוֹמֵר – קַשְׁיָא סֵיפָא!

If the *baraita* is discussing the case of a bone containing marrow, and therefore the bone constitutes **protection** for food measuring less than an olive-bulk, then **the last clause** of the *baraita* **is difficult** because Yehuda ben Nekosa apparently holds that protection that is attached to less than an olive-bulk of food is not considered protection with regard to imparting impurity, contrary to the opinion of Rav, who holds that it is protection unless it is attached to less than a bean-bulk of food.

אִיבָּעֵית אֵימָא בְּשׁוֹמֵר, אִיבָּעֵית אֵימָא בְּיָד.

The Gemara answers: **If you wish, say** that Rav interprets the *baraita* as discussing the case of a bone that constitutes **protection. If you wish, say** instead that Rav interprets the *baraita* as discussing the case of a bone that constitutes **a handle.**

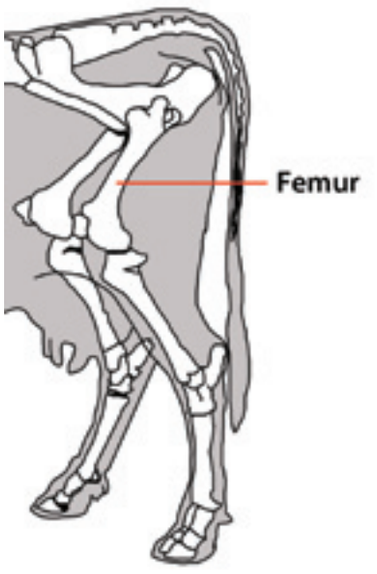
אִיבָּעֵית אֵימָא בְּיָד, וְהוּא דַּאֲמַר – כְּרַבִּי יְהוּדָה בֶּן נְקוֹסָא. וְאִיבָּעֵית אֵימָא בְּשׁוֹמֵר, וְהוּא דַּאֲמַר – כְּתַנָּא קַמָּא.

The Gemara explains its answers: **If you wish, say** that the *baraita* is discussing the case of a bone that constitutes **a handle, and** Rav **stated** his opinion **in accordance with** the opinion of **Rabbi Yehuda ben Nekosa,** who maintains that the house does not become impure because he holds that a handle that is attached to less than an olive-bulk of flesh does not impart impurity. **And If you wish, say** that the *baraita* is discussing the case of a bone that constitutes **protection, and** Rav **stated** his opinion **in accordance with** the opinion of **the first *tanna,*** who maintains that the house is impure because he holds that protection attached to less than an olive-bulk of flesh imparts impurity if the flesh measures at least a bean-bulk.

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BACKGROUND

Femur – קוּלִית:



Hind legs of a cow

NOTES

And Rabbi Yoḥanan said that the entire *baraita* is referring to protection – וְרַבִּי יוֹחָנָן אָמַר כּוּלָּהּ בְּשׁוֹמֵר: Later commentaries explain that Rabbi Yoḥanan could have interpreted the *baraita* as referring to either the case of protection or the case of a handle because Rabbi Yoḥanan holds that there is no minimum measure with regard to either. Rabbi Yoḥanan chose to interpret the *baraita* as referring to a case of protection and not a handle based on the precision of the language of the *baraita*, as the Gemara points out later (*Yosef Da'at*).

וְרַבִּי יוֹחָנָן אָמַר: כּוּלָּהּ בְּיָד, וְהוּא דַּאָמַר – כְּתַנָּא קַמָּא.

And Rabbi Yoḥanan could have **said** that **the entire** *baraita* is discussing the case of a bone that constitutes **a handle, and** Rabbi Yoḥanan **stated** his opinion **in accordance with** the opinion of **the first *tanna*,** who maintains that the house becomes impure because he holds that a handle that is attached to less than an olive-bulk of food imparts impurity. But he did not state his opinion in accordance with the opinion of Yehuda ben Nekosa, who maintains that the house does not become impure.

תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: קוּלִית שֶׁיֵּשׁ עָלֶיהָ כַּזַּיִת בָּשָׂר – גּוֹרֶרֶת כּוּלָּהּ לְטוּמְאָה. אֲחֵרִים אוֹמְרִים: אֲפִילּוּ אֵין עָלֶיהָ אֶלָּא כְּפוֹל – גּוֹרֶרֶת כּוּלָּהּ לְטוּמְאָה.

Come and **hear** another objection to the opinions of Rav and Rabbi Yoḥanan from the *Tosefta* (*Okatzin* 2:5): **Rabbi Yehuda says:** With regard to **a femur**[B] **that has an olive-bulk of flesh upon it,** the flesh **draws the entire** femur **into ritual impurity** if any part of the femur comes into contact with a dead creeping animal. The Sage referred to as **Aḥerim says: Even** if **there is only a bean-bulk** of flesh **upon** the femur,[H] **it draws the entire** femur **into impurity.**

וְרַב, הַאי בְּמַאי מוֹקִים לָהּ? אִי בְּיָד – קַשְׁיָא סֵיפָא, אִי בְּשׁוֹמֵר – קַשְׁיָא רֵישָׁא!

The Gemara asks: **In what** manner **does Rav interpret this** *baraita*? **If** the *baraita* is discussing the case of a femur that constitutes merely **a handle** for the flesh, then **the latter clause** of the *baraita* **is difficult,** because Aḥerim apparently maintains that a handle that is attached to less than an olive-bulk of flesh imparts impurity, contrary to the opinion of Rav. **If** the *baraita* is discussing the case of a femur that constitutes **protection,** then **the first clause** of the *baraita* **is difficult,** because Rabbi Yehuda apparently holds that protection that is attached to less than an olive-bulk of flesh does not impart impurity, contrary to the opinion of Rav.

אִיבָּעֵית אֵימָא בְּיָד – וְהוּא דַּאָמַר כְּרַבִּי יְהוּדָה, וְאִיבָּעֵית אֵימָא בְּשׁוֹמֵר – כַּאֲחֵרִים.

The Gemara answers: **If you wish, say** that the *baraita* is discussing the case of a femur that constitutes **a handle, and** Rav **stated** his opinion **in accordance with** the opinion of **Rabbi Yehuda,** who maintains that a handle attached to less than an olive-bulk of flesh does not impart impurity. **And if you wish, say** instead that the *baraita* is discussing the case of a femur that constitutes **protection, and** Rav **stated** his opinion **in accordance with** the opinion introduced with the words: **Aḥerim** says, according to which even protection attached to less than an olive-bulk of flesh imparts impurity.

וְרַבִּי יוֹחָנָן אָמַר: כּוּלָּהּ בְּשׁוֹמֵר, וְהוּא דַּאָמַר – כַּאֲחֵרִים.

And Rabbi Yoḥanan could have **said** that **the entire** *baraita* is referring to case of a femur that constitutes **protection,**[N] **and** Rabbi Yoḥanan **stated** his opinion **in accordance with** the opinion referred to as: **Aḥerim** says, according to which even protection that is attached to a bean-bulk of flesh imparts impurity.

אֲחֵרִים? הָא כְּפוֹל קָא אָמְרִי!

The Gemara asks: How is Rabbi Yoḥanan's opinion consistent with the opinion referred to as: **Aḥerim** says? **Don't** they **say** that protection that is attached to **a bean-bulk** of flesh imparts impurity, and Rabbi Yoḥanan holds that even protection that is attached to less than a bean-bulk of food imparts impurity?

אַיְידֵי דְּקָאָמַר תַּנָּא קַמָּא שִׁיעוּרָא, קָאָמְרִי אִינְהוּ נַמִי שִׁיעוּרָא.

The Gemara answers: Aḥerim agrees that even protection that is attached to less than a bean-bulk imparts impurity. Nevertheless, **since the first *tanna* states** the specific **measure** of an olive-bulk, Aḥerim **also states** the specific **measure** of a bean-bulk even though he maintains his opinion with regard to a measure of less than a bean-bulk as well.

אָמַר רָבָא: דַּיְקָא נַמִי דִּבְשׁוֹמֵר עָסְקִינַן, דְּקָתָנֵי קוּלִית, שְׁמַע מִינָּהּ.

Rava said: The language of the *baraita* **is also precise,** indicating **that we are dealing with protection** and not a handle, **as it teaches** the case of **a femur,** which contains marrow, and therefore the bone provides protection for the food inside. If the *baraita* were discussing a handle, it would have taught this *halakha* with regard to any other bone that is attached to flesh and not specifically a femur. **Conclude from it** that the *baraita* is discussing the *halakha* of protection.

HALAKHA

Even if there is only a bean-bulk of flesh upon the femur, etc. – אֲפִילּוּ אֵין עָלֶיהָ אֶלָּא כְּפוֹל וכו׳: If a femur is attached to even a bean-bulk of flesh, the flesh causes the entire femur to become impure, in accordance with the opinion of Aḥerim (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 5:16).

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אִיתְּמַר, רַבִּי חֲנִינָא אָמַר: זֶהוּ שִׁיעוּר. וְרַבִּי יוֹחָנָן אָמַר: אֵין זֶה שִׁיעוּר.

§ The *baraita* cited above teaches that Aḥerim says: Even if there is only a bean-bulk of flesh attached to the femur it causes the entire femur to become impure. A dispute **was stated** with regard to this opinion. **Rabbi Ḥanina says:** When Aḥerim stated the measure of a bean-bulk, **this is** a specific **measure,** and Aḥerim holds that the *halakha* of protection applies to an appendage only if a bean-bulk of food is attached to it. **And Rabbi Yoḥanan says: This is not** a specific **measure.** Aḥerim holds that the *halakha* of protection applies even if it is attached to less than a bean-bulk of food.

אֵין זֶה שִׁיעוּר? וְהָא קָתָנֵי ״כְּפוֹל״! אַיְידֵי דְּקָאָמַר תַּנָּא קַמָּא שִׁיעוּרָא, קָאָמְרִי אִינְהוּ נַמִּי שִׁיעוּרָא.

The Gemara asks: How is it possible for Rabbi Yoḥanan to hold that **this is not** a specific **measure? But doesn't** the *baraita* explicitly **teach** the measure of **a bean-bulk?** The Gemara answers: Indeed, Aḥerim holds that protection that is attached to even less than a bean-bulk of food imparts impurity. But **since the first *tanna* states** the specific **measure** of an olive-bulk, Aḥerim **also states** the specific **measure** of a bean-bulk even though he maintains his opinion with regard to a measure of less than a bean-bulk as well.

תָּא שְׁמַע: רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה מְטַהֵר בְּשֶׁל פּוֹל, וּמְטַמֵּא בְּשֶׁל קִטְנִית, מִפְּנֵי שֶׁרוֹצֶה בְּמַשְׁמִישָׁן!

The Gemara suggests: **Come** and **hear** proof against the opinion of Rav from that which is taught in a mishna (*Okatzin* 1:5): **Rabbi Elazar ben Azarya deems** a pod containing **beans** that came in contact with a dead creeping animal **ritually pure.** Since beans are large and do not require the protection of the pod, the pod is not considered protection for the beans and therefore does not impart impurity. **But he deems** a pod containing smaller **legumes** that came in contact with a dead creeping animal **ritually impure** if even only one grain is attached to the pod, **because one desires** the use of the pod **when handling** the legumes so that he will not damage them, and it is therefore considered protection, which imparts impurity. Apparently, Rabbi Elazar ben Azarya holds that even protection that is attached to less than a bean-bulk of food imparts impurity, contrary to the opinion of Rabbi Ḥanina and Rav.

כְּדַאֲמַר רַב אַחָא בְּרֵיהּ דְּרָבָא: בְּקוּלְחָא, וּמִשּׁוּם יָד,

The Gemara rejects this proof: The explanation of that mishna is **in accordance with that which Rav Aḥa, son of Rava, said** in the context of a different discussion: That mishna is discussing a case **where** a dead creeping animal came into contact with **the stalk** to which the pod is attached, but not with the pod itself. **And** therefore the *halakha* in the mishna is not with regard to the matter of protection; rather, it is **with regard to** the matter of **a handle,** as the stalk serves as a handle for the pod and its attached grain.

הָכָא נַמִּי: בְּקוּלְחָא וּמִשּׁוּם יָד וּמַאי ״בְּמַשְׁמִישָׁן״ – בְּתַשְׁמִישָׁן.

Here, too, with regard to this proof one can respond that the mishna is discussing a case **where** a dead creeping animal came in contact with **the stalk and** therefore the *halakha* in the mishna is **with regard to** the matter of **a handle.** Since the mishna is referring to a stalk, and the stalk has many pods on it, it serves as a handle to more than an olive-bulk of food, and is consistent with the opinions of Rabbi Ḥanina and Rav. **And what** does Rabbi Elazar ben Azarya mean when he says that in the case of legumes, the stalk is impure because one desires the use of the stalk **when handling** [***bemashmishan***] the legumes? He is referring **to using** [***betashmishan***], i.e., carrying, the legumes with the stalk.

תָּא שְׁמַע, דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״עַל כָּל זֶרַע זָרוּעַ אֲשֶׁר יִזָּרֵעַ״ – כְּדֶרֶךְ שֶׁבְּנֵי אָדָם מוֹצִיאִין – חִטָּה בְּקִלִּיפָתָהּ, וּשְׂעוֹרָה בְּקִלִּיפָתָהּ, וַעֲדָשִׁים בְּקִלִּיפָתָן!

Come and **hear** proof from that **which the school of Rabbi Yishmael taught:** With regard to the impurity of food the verse states: "**On any sowing seed that is sown**" (Leviticus 11:37), indicating that the entire seed is susceptible to impurity when it is in a state where it is **typical for people to take it out**[H] to the field for sowing: This applies to **wheat in its shell, and barley in its shell, and lentils in their shells.** It is derived from here that shells and other appendages that protect the food are considered part of the food. Since wheat, barley, and lentil grains are smaller than a bean-bulk, this statement indicates that even protection that is attached to less than a bean-bulk of food imparts impurity, contrary to the opinion of Rabbi Ḥanina and Rav.

HALAKHA

Where it is typical for people to take it out, etc. – כְּדֶרֶךְ שֶׁבְּנֵי אָדָם מוֹצִיאִין וכו׳: From where is it derived that an appendage that constitutes protection for food becomes impure together with the food? The verse states: "On any sowing seed," indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typical for people to take it out to the field for sowing. This includes wheat in its shell, barley in its shell, and lentils in their shells. It is derived from here that shells and other appendages that protect the food are considered part of the food with regard to the *halakhot* of impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:4).

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בְּרִיָּה שָׁאנֵי.

The Gemara rejects this proof: A grain is a distinct **entity,** and therefore its status **is different.** The *halakha* of protection is applicable to a distinct entity even if it measures less than a bean-bulk.

בָּעֵי רַב אוֹשַׁעְיָא:

§ **Rav Oshaya raises a dilemma:**

HALAKHA

Protection on top of another protection – שׁוֹמֵר עַל גַּב שׁוֹמֵר: The *halakha* of protection with regard to transmitting impurity does not apply to a protection that is on top of another protection. Only the inner protection closest to the food is considered protection with regard to impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:10).

Three peels surrounding an onion – שָׁלֹשׁ קְלִיפּוֹת בַּבָּצָל: There are three peels surrounding an onion. The inner peel, whether whole or punctured, joins together with the onion to constitute the requisite measure to transmit the impurity of food. The middle peel joins together with the onion when it is whole, but not when it is punctured. The outer peel in all cases does not join together with the onion and remains ritually pure. This ruling is in accordance with the opinion of Rabbi Yehuda in the mishna in *Okatzin*. Although the Rabbis disagree with Rabbi Yehuda, the Rambam rules in accordance with Rabbi Yehuda because the Gemara cites and explains his opinion. Alternatively, it is possible that there is no dispute between Rabbi Yehuda and the Rabbis in the mishna, and that Rabbi Yehuda is explaining the intention of the Rabbis (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:11 and *Kesef Mishne* there).

Protection of food that one divided – שׁוֹמֵר אוֹכֶל שֶׁחִלְּקוֹ: Protection that is divided does not join together with the food to constitute the requisite measure to transmit impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:3).

שְׁנֵי שׁוֹמְרִין מַהוּ שֶׁיִּצְטָרְפוּ?

As the Gemara stated, protection joins together with the food to constitute the requisite measure to impart impurity. **What is** the *halakha* with regard to **two protections joining together** with the food to constitute the measure of an egg-bulk required to impart impurity?

הֵיכִי דָּמֵי, אִילֵימָא בְּזֶה עַל גַּב זֶה – וּמִי אִיכָּא שׁוֹמֵר עַל גַּב שׁוֹמֵר?

The Gemara asks: **What are the circumstances** of the dilemma? **If we say** that it is referring to a case **where** a food item has two layers of protection, and **this** outer protection **is on top of that** inner protection, **is** the *halakha* of protection applicable with regard to **protection** that is **on top of** another **protection?**[H]

וְהָתְנַן, רַבִּי יְהוּדָה אוֹמֵר: שָׁלֹשׁ קְלִיפּוֹת בַּבָּצָל, פְּנִימִית, בֵּין שְׁלֵמָה בֵּין קְדוּרָה – מִצְטָרֶפֶת. אֶמְצָעִית, שְׁלֵמָה – מִצְטָרֶפֶת, קְדוּרָה – אֵין מִצְטָרֶפֶת. חִיצוֹנָה – בֵּין כָּךְ וּבֵין כָּךְ טְהוֹרָה!

But didn't we learn in a mishna (*Okatzin* 2:4) that **Rabbi Yehuda says:** There are **three peels** surrounding **an onion.**[H] The **inner** peel is considered like the food itself, and therefore, **whether whole or punctured, it joins together** with the onion to constitute the requisite measure to impart the impurity of food. With regard to the **middle** peel, when it is **whole** it provides protection and therefore **joins together** with the onion, but when it is **punctured** it does not provide protection and therefore **does not join together**[N] with the onion. The **outer** peel does not join together with the onion at all, and **both** in **this** case, when it is whole, **and** in **that** case, when it is punctured, it remains **ritually pure.** Evidently, the *halakha* of protection is not applied to a protection that surrounds another protection.

רַב אוֹשַׁעְיָא שׁוֹמֵר אוֹכֶל שֶׁחִלְּקוֹ קָמִיבָּעְיָא לֵיהּ.

The Gemara explains the dilemma: **Rav Oshaya** does not raise the dilemma with regard to a food item that has two layers of protection. Rather, he **raises the dilemma** with regard to **protection of food that one divided**[H] such that the food is whole but the protection is divided into separate sections.

כֵּיוָן דְּהַאי לָא מָגֵין אַהַאי, וְהַאי לָא מָגֵין אַהַאי – לֹא מִצְטָרֶפֶת.

The dilemma is as follows: **Since this** section of the protection is protecting this part of the food but **does not provide protection for that** other part of the food, **and that** other section of the protection is protecting another part of the food but **does not provide protection for this** part of the food, must one conclude that the two protections **do not join together** to constitute the requisite measure for the impurity of food?

אוֹ דִלְמָא, כֵּיוָן דְּהַאי מָגֵין אַדִידֵיהּ, וְהַאי מָגֵין אַדִידֵיהּ – מִצְטָרְפִין?

Or perhaps, should one reason that **since this** section of the protection **provides protection for its** part of the food, **and that** section of the protection **provides protection for its** part of the food, and the two parts of the food are joined together, therefore the entire entity is considered unified and the two sections of the protection **join together** to constitute the requisite measure?

NOTES

The middle peel, when it is whole it joins together, but when it is punctured it does not join together – אֶמְצָעִית שְׁלֵמָה מִצְטָרֶפֶת קְדוּרָה אֵין מִצְטָרֶפֶת: The later commentaries point out that the mishna specifically chose to teach this *halakha* with regard to an onion because an onion is unique in that its peel does not provide any protection once it is punctured or cut, but rather shrivels and falls off. By contrast, the peels and outer layers of other species of produce continue to provide protection even if they are cut or punctured (*Ḥazon Ish*).

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תָּא שְׁמַע: רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה מְטַהֵר בְּשֶׁל פּוֹל, וּמְטַמֵּא בְּשֶׁל קִטְנִית, מִפְּנֵי שֶׁרוֹצֶה בְּמַשְׁמִישָׁן.

Come and **hear** a resolution to the dilemma from that which is taught in a mishna cited previously (*Okatzin* 1:5): **Rabbi Elazar ben Azarya deems** a pod containing **beans** that came in contact with a dead creeping animal **ritually pure. But he deems** a pod containing **legumes** that came in contact with a dead creeping animal **impure because one desires** the use of the pod **when handling** the legumes so that he will not damage them. Since the requisite volume for a food item to be susceptible to impurity is an egg-bulk, and the volume of one pod and its legumes is less than an egg-bulk, this statement must be discussing multiple pods joined together. Evidently, protection of food that is divided into separate sections joins together to constitute the requisite measure to impart impurity.

אֲמַר רַב אַחָא בְּרֵיהּ דְּרָבָא: בְּקוּלְחָא, וּמְשׁוּם יָד, וּמַאי ״בְּמַשְׁמִישָׁן״ – בְּתַשְׁמִישָׁן.

Rav Aḥa, son of Rava, said in rejection of this resolution: That mishna is discussing a case **where** a creeping animal touched **the stalk** to which the pods are attached but not the pods themselves. **And** the *halakha* in that mishna is not referring to the matter of protection; rather, it is **with regard to** the matter of **a handle,** as the stalk serves as a handle for the pod and its attached grain. **And what** does Rabbi Elazar ben Azarya mean when he says that in the case of legumes, the stalk is impure because one desires the use of the stalk **when handling** [***bemashmishan***] the legumes? He is referring **to using** [***betashmishan***], i.e., carrying, the legumes with the stalk.

תָּא שְׁמַע, דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״עַל כָּל זֶרַע זָרוּעַ (אֲשֶׁר יִזָּרֵעַ)״ – כְּדֶרֶךְ שֶׁבְּנֵי אָדָם מוֹצִיאִין לִזְרִיעָה, חִטָּה בְּקִלְיְפָתָהּ, וּשְׂעוֹרָה בְּקִלְיְפָתָהּ, וַעֲדָשִׁים בְּקִלְיְפָתָן.

Come and **hear** a resolution from that **which the school of Rabbi Yishmael taught:** With regard to the impurity of food the verse states: **"On any sowing seed that is sown"** (Leviticus 11:37), indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is **typical for people to take it out** to the field **for sowing:** This applies to **wheat in its shell, and barley in its shell, and lentils in their shells.** It is derived from here that shells and other appendages that protect the food join together with the food to constitute the requisite measure to impart impurity. Since the measure of one grain and its shell is less than an egg-bulk, this statement must be discussing multiple grains and their shells joined together. Evidently, protection of food that is divided into separate sections joins together to impart impurity.

כְּדַאֲמַר רַב אַחָא בְּרֵיהּ דְּרָבָא: בְּקוּלְחָא, וּמְשׁוּם יָד.

The Gemara rejects this resolution: One can explain this statement **in accordance with** that **which Rav Aḥa, son of Rava, said** with regard to the statement of Rabbi Elazar ben Azarya that was cited previously: The mishna is discussing a case **where** a creeping animal came in contact with **the stalk** to which the pods are attached but not the pods themselves. **And** therefore, the *halakha* in the mishna is not referring to the matter of protection; rather, it is **with regard to** the matter of **a handle.**

הָכָא נַמִי: בְּשִׁדְרָה, וּמְשׁוּם שׁוֹמֵר.

Here too, the statement of the school of Rabbi Yishmael is not referring to independent grains of wheat and barley, but rather **to the stem**[B] to which the grains are attached, **and** it is **with regard to** the status of all the shells of the grains on one stem as **protection.** All of the grains surrounding the stem protect each other, since if one shell with its grain falls it causes all of the other shells and their grains to fall as well. Therefore, this case is not similar to Rav Oshaya's dilemma, where each protection protects only part of the food.

בְּשִׁלְמָא עִילָּיתָא צְרִיכִי לְתַתָּיתָא, אֶלָּא תַּתָּיתָא מַאי צְרִיכִי לְעִילָּיתָא? בְּחַד דָּרָא.

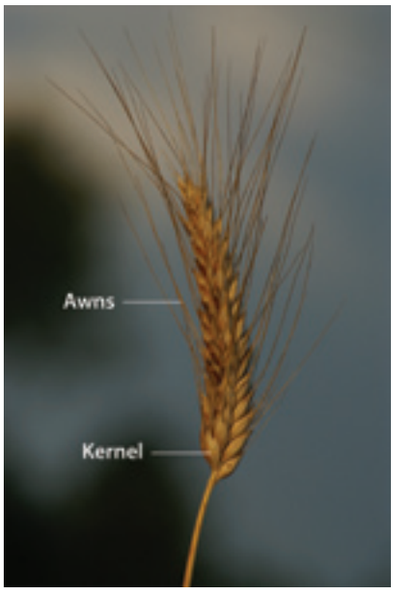
The Gemara asks: **Granted,** the grains located **higher** on the stem **need** the grains located **lower** on the stem to remain in place in order to not fall. **But** for **what** purpose do the grains located **lower** on the stem **need** the grains located **higher** on the stem? The Gemara answers: The case is one where the grains are all positioned tightly around the stem **in one row** in such a manner that if even one located higher up on the stem were to fall, the remaining grains would fall too.

מִי אִיכָּא כְּבֵיצָה אוֹכָלִין בְּחַד דָּרָא? בְּחִטֵּי דְּשִׁמְעוֹן בֶּן שָׁטָח.

The Gemara asks: **Is there** a volume of **an egg-bulk of food in one row** of grain? The Gemara answers: Yes, this *baraita* is stated **with regard to** large grains of **wheat,** such as those grown in the time **of Shimon ben Shataḥ.**[NP]

BACKGROUND

Stem – שִׁדְרָה:



Grain-bearing part of a stem of wheat

NOTES

With regard to wheat grown in the time of Shimon ben Shataḥ – בְּחִטֵּי דְּשִׁמְעוֹן בֶּן שָׁטָח: The Gemara here is referring to that which is related elsewhere (*Ta'anit* 23a): As we found in the days of Shimon ben Shataḥ that rain invariably fell for them on Wednesday eves and on Shabbat eves, until wheat grew as big as kidneys, and barley as big as olive pits, and lentils as golden dinars. And they bundled up some of these crops as an example for future generations, to convey to them how much damage sin causes, as it is stated: "The Lord our God, Who gives rain, the former rain and the latter rain, in its season that keeps for us the appointed weeks of the harvest. Your iniquities have turned away these things, and your sins have withheld the good from you" (Jeremiah 5:24–25).

PERSONALITIES

Shimon ben Shataḥ – שִׁמְעוֹן בֶּן שָׁטָח: Shimon ben Shataḥ served as the *Nasi* of the Sanhedrin during the rule of King Alexander Yannai. He was a distinguished leader and a central force in the preservation of the Oral Torah, who insisted on enforcing every aspect of Torah law and tradition. He enacted a number of decrees that eradicated sorcery; he strengthened the marriage contract; he even summoned the king to court and demanded that he respect the court like a common citizen. In fact, his conflicts with King Yannai even forced him on occasion to go into hiding in order to avoid the wrath of the king, but he never yielded to fear or a desire for honor. His sister was Queen Salome, the wife of King Yannai. Queen Salome ruled after the death of Yannai, a period of rule upon which Shimon ben Shataḥ had a significant influence, and a time generally acknowledged as one of prosperity for the Jews. Shimon ben Shataḥ worked as a tanner.

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הָשְׁתָּא דְּאָתֵית לְהָכִי, חֲדָא חִטָּה נַמִּי – בְּחִטֵּי דְּשִׁמְעוֹן בֶּן שָׁטָח.

The Gemara points out: **Now that you have arrived at this** conclusion, it is not necessary to interpret the *baraita* as referring to many grains tightly packed around the stem. It is **even** possible to explain that the *baraita* is discussing the case of **one** grain of **wheat,** such as the large grains of **wheat** grown in the time **of Shimon ben Shataḥ.**

גּוּפָא, שְׁנֵי עֲצָמוֹת וַעֲלֵיהֶן שְׁנֵי חֲצָאֵי זֵיתִים, וְהִכְנִיס רָאשֵׁיהֶן שְׁנֵים לַבַּיִת, וְהַבַּיִת מַאֲהִיל עֲלֵיהֶן – הַבַּיִת טָמֵא.

§ The Gemara proceeds to discuss the *Tosefta* **itself** that was cited earlier (118b): In a case of **two bones upon which there are two halves of an olive-bulk** of flesh of a corpse, i.e., half an olive-bulk of flesh is attached to one end of each bone, **and one placed the ends of both** bones that are not directly attached to the flesh **inside the house** in such a manner that **the house overlies those** ends of the bones but not the ends of the bones attached to the flesh, it is considered as though the house is overlying the flesh itself and **the house is impure.**

יְהוּדָה בֶּן נְקוֹסָא אוֹמֵר מִשּׁוּם רַבִּי יַעֲקֹב: הֵיאָךְ שְׁנֵי עֲצָמוֹת מְצָטָרְפִין לְכַזַּיִת?

Yehuda ben Nekosa says in the name of Rabbi Ya'akov: How can two bones join together to constitute **an olive-bulk** if the flesh attached to each bone is less than the measure of an olive-bulk? It may be inferred from here that according to all, if the end of a bone that is attached to an olive-bulk of flesh is outside the house, and the other end that is not directly attached to any flesh is inside the house, the house becomes impure with the ritual impurity of a corpse.

אָמַר רֵישׁ לָקִישׁ: לֹא שָׁנוּ אֶלָּא עֶצֶם דְּהָוֵי יָד, אֲבָל נִימָא – לָא הָוְיָא יָד. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ נִימָא נַמִּי הָוְיָא יָד.

With regard to this matter **Reish Lakish said:** The Sages **taught** this *halakha* **only** with regard to **a bone, as it constitutes a handle** vis-à-vis the flesh, **but** if one **hair** of a corpse is attached to an olive-bulk of flesh at one end, and the other end of the hair is inside a house, it does not render the house impure, because the hair **does not constitute a handle** vis-à-vis the flesh. **And Rabbi Yoḥanan said: Even a hair constitutes a handle** vis-à-vis the flesh, and therefore the house is rendered impure.

אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: עוֹר שֶׁיֵּשׁ עָלָיו כַּזַּיִת בָּשָׂר, הַנּוֹגֵעַ בַּצִּיב הַיּוֹצֵא מִמֶּנּוּ וּבַשְּׂעָרָה שֶׁבְּנֶגְדּוֹ – טָמֵא. מַאי לָאו מִשּׁוּם יָד?

Rabbi Yoḥanan raised an objection to the opinion of **Reish Lakish** from the mishna taught later (124a): In the case of the **hide** of an unslaughtered animal carcass **upon which there is an olive-bulk of flesh, one who touches a strand** of flesh **emerging from** the flesh, **or** touches **a hair that is** on the side of the hide **opposite** the flesh, **is ritually impure** with the impurity of an unslaughtered carcass, even though he did not touch an olive-bulk of the flesh. **What** is the reason that one who touches the strand of flesh or the hair becomes impure? **Is it not because** they constitute **a handle** for the flesh, contrary to the opinion of Reish Lakish with regard to a hair?

לָא, מִשּׁוּם שׁוֹמֵר, וּמִי אִיכָּא שׁוֹמֵר עַל גַּבֵּי שׁוֹמֵר? חִלְחוֹלֵי מְחַלְחֵל

The Gemara answers: **No,** the ruling of that mishna is not because the hair serves as a handle for the flesh. Rather, it is **because** the hair serves as **protection** for the flesh. The Gemara asks: **But** the hide protects the flesh, and the hair is on top of the hide; **is** the *halakha* of protection applicable with regard to **protection** that is **on top of** another **protection?** The Gemara answers: The hair **penetrates through** the hide and touches the flesh, thereby providing protection directly for the flesh.

מַתְקִיף לָהּ רַב אַחָא בַּר יַעֲקֹב: אֶלָּא מֵעַתָּה תְּפִילִּין הֵיכִי כָּתְבִינַן? הָא בָּעֵינַן כְּתִיבָה תַּמָּה וְלֵיכָּא!

Rav Aḥa bar Ya'akov objects to this answer: **If that is so,** that there are perforations in the hide through which the hairs penetrate, **how can we write phylacteries? Don't we require** phylacteries to be written with **a perfect writing,**[H] with no perforations in the letters? **And** that **is not** possible if there are perforations in the hide.

HALAKHA

We require phylacteries to be written with a perfect writing, etc. – בָּעֵינַן כְּתִיבָה תַּמָּה וכו׳: Parchment used for the writing of phylacteries must be perfect and devoid of holes that would cause a break in the ink such that the letter would appear to be divided into two sections. But if the hole is small enough that the ink passes over it and the letter does not appear to be divided, the parchment is fit (Rambam *Sefer Ahava*, *Hilkhot Tefillin UMezuza VeSefer Torah* 1:20; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 32:13).

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אִשְׁתְּמִיטְתֵּיהּ הָא דְּאָמְרִי בְּמַעְרְבָא: כָּל נֶקֶב שֶׁהַדְּיוֹ עוֹבֵר עָלָיו – אֵינוֹ נֶקֶב.

The Gemara answers: Rav Aḥa bar Ya'akov **overlooked that** *halakha* **which they say in the West,** Eretz Yisrael: **Any perforation over which the ink passes** and which it covers **is not** considered **a perforation** that invalidates the writing.

וְאִיבָּעֵית אֵימָא: כּוּלֵּיהּ מִשּׁוּם יָד, כִּדְאָמַר רַבִּי אֶלְעָא בְּמִלַּאי שֶׁבֵּין הַמְּלָאִים,

And if you wish, say instead a different answer to Rabbi Yoḥanan's objection to Reish Lakish: **The entire** mishna teaches that one who touches either a strand of flesh or a hair becomes impure **because** these appendages serve the flesh as **a handle** and not as protection. Nevertheless, that statement does not contradict the opinion of Reish Lakish that a hair does not constitute a handle for the flesh, because one can explain this mishna **as Rabbi Ela stated** with regard to a different mishna: It is stated **with regard to** the case of **an awn among** many **awns.**

הָכִי נַמִּי: בִּנְימָא שֶׁבֵּין הַנִּימִין.

So too, the mishna taught later is stated **with regard to** the case of **a hair among** many **hairs** and not the case of a single hair. Therefore, the hair constitutes a handle for the flesh because one can hold the hair and lift the flesh without the hair becoming detached.

וְהֵיכָא אִיתְּמַר דְּרַבִּי אֶלְעָא? אָמַר: מְלַאי שֶׁבַּשִּׁבֳּלִים – מִיטַּמְּאִין וּמְטַמְּאִין וְאֵינָן מְצָטָרְפִין. מְלַאי לְמַאי חֲזִי? אָמַר רַבִּי אֶלְעָאי – בְּמִלַּאי שֶׁבֵּין הַמְּלָאִים.

And where was the opinion **of Rabbi Ela stated?** It was stated **with regard to that** which is taught in a mishna (*Okatzin* 1:3): **An awn** [*melai*]ʟ **that is on top of a stalk**ʜ constitutes a handle for the stalk. Therefore, **it can become impure and impart impurity, but it does not join together** with the grains to constitute the requisite measure to impart impurity. It was asked: **For what** function **is an awn fit** such that it is considered to be a handle for the stalk? **Rabbi Ilai,** i.e., Rabbi Ela, **said:** That mishna is stated **with regard to** the case of **an awn among** many **awns** and not the case of a single awn. Therefore, the awns constitute a handle for the stalk because one can hold the awns and lift the stalk without the awns becoming detached from it.

לִישָּׁנָא אַחֲרִינָא אָמְרִי לָהּ.

Some say another version of this dispute between Rabbi Yoḥanan and Reish Lakish and the ensuing discussion with regard to the status of hairs vis-à-vis the flesh: Rabbi Yoḥanan and Reish Lakish agree that a single hair does not constitute a handle vis-à-vis the flesh connected to it, but they disagree with regard to several hairs. Rabbi Yoḥanan raises an objection to Reish Lakish's opinion that hair is not considered a handle from the mishna taught later, which states that one who touches a hair emerging from the hide of an animal carcass opposite the flesh is impure, indicating that hair constitutes a handle.

הָכִי נַמִּי מִסְתַּבְּרָא דְּמִשּׁוּם שׁוּמֵר, דְּאִי סָלְקָא דַּעְתָּךְ מִשּׁוּם יָד, נִימָא אַחַת לְמַאי חֲזִי?

Reish Lakish answers that one who touches the hair is impure not because it is considered a handle, but rather because it is considered protection for the flesh. The Gemara adds: **So too it is reasonable** to explain that the person is impure **because** hair is considered **protection** and not because it is considered a handle, **as, if it enters your mind** that it is **because** hair is considered **a handle, for what** function **is one hair fit** such that it is considered a handle?

כִּדְאָמַר רַבִּי אֶלְעָא בְּמִלַּאי שֶׁבֵּין הַמְּלָאִין, הָכָא נַמִּי – בִּנְימָא שֶׁבֵּין הַנִּימִין.

The Gemara responds: One can explain that that mishna considers hair to constitute a handle, **as Rabbi Ela stated** in explanation of a different mishna: It is stated **with regard to** the case of **an awn among** many **awns. Here too,** that mishna is stated **with regard to** the case of **a hair among** many **hairs** and not the case of a single hair.

וְהֵיכָא אִיתְּמַר דְּרַבִּי אֶלְעַאי? אָמַר. דִּתְנַן: הַמְּלַאי שֶׁבַּשִּׁבֳּלִים – מִיטַּמְּאִין וּמְטַמְּאִין וְאֵין מְצָטָרְפִין. מְלַאי לְמַאי חֲזִי? אָמַר רַבִּי אֶלְעַאי: בְּמִלַּאי שֶׁבֵּין הַמְּלָאִים.

And where was the opinion **of Rabbi Ela stated?** It was stated **with regard to that which we learned** in a mishna: **An awn that is on top of a stalk can become impure and impart impurity, but it does not join together** with the grains to constitute the requisite measure to impart impurity. It was asked: **For what** function **is an awn fit** such that it is considered to be a handle for the stalk? **Rabbi Ilai said:** That mishna is stated **with regard to** the case of **an awn among** many **awns.**

וְאִיכָּא דְּמַתְנֵי לָהּ

And there are those **who teach** another version of this dispute between Rabbi Yoḥanan and Reish Lakish,

LANGUAGE

Awn [*melai*] – מְלַאי: Awns are hair-like appendages protruding from the kernels on a stalk of grain. The word *melai* is spelled here with an *alef*, but is spelled elsewhere with an *ayin*. Some opinions maintain that the singular form of the word is *mela*, and the term *melai* that appears here is plural, an opinion consistent with the Gemara's explanation of the mishna.

HALAKHA

An awn that is on top of a stalk – מְלַאי שֶׁבַּשִּׁבֳּלִים: The awns that are on top of a stalk can become impure and impart impurity, but they do not join together with the food to constitute the requisite measure to impart impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 5:20).

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אַמַּתְנִיתִין: הָעוֹר וְהָרוֹטֶב וְהַקִּיפָּה וכו׳ מִצְטָרְפִין לְטַמֵּא טוּמְאַת אוֹכָלִין.

maintaining that the dispute is **with regard to** that which is taught in **the mishna: The** attached **hide, and the** congealed **gravy** attached to the meat, **and the spices,** and the meat residue, and the bones, and the tendons, and the horns, and the hooves all **join together** with the meat to constitute the requisite egg-bulk **to impart the impurity of food.**

אֲמַר רֵישׁ לָקִישׁ: לֹא שָׁנוּ אֶלָּא עֶצֶם דְּהָוֵי שׁוֹמֵר, אֲבָל נִימָא לָא הָוְיָא שׁוֹמֵר. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ נִימָא נַמִּי הָוְיָא שׁוֹמֵר.

Reish Lakish said: The Sages **taught** that **only a bone** and the other items mentioned in the mishna join together with the meat to constitute the requisite measure to impart impurity **because** they **constitute protection** for the meat. **But a hair** does not join together with the meat to constitute the requisite measure to impart impurity because it **is not protection** for the meat. **And Rabbi Yoḥanan said: Even a hair is protection** for the meat and therefore joins together with the meat to constitute the requisite measure to impart impurity.

אָמַר לֵיהּ רֵישׁ לָקִישׁ לְרַבִּי יוֹחָנָן: וּמִי אִיכָּא שׁוֹמֵר עַל גַּבֵּי שׁוֹמֵר? חִלְחוּלֵי מְחַלְחֵל.

Reish Lakish said to Rabbi Yoḥanan: But the hide protects the flesh, and the hair is on top of the hide. **Is** the *halakha* of protection applicable with regard to **protection** that is **on top of** another **protection?** Rabbi Yoḥanan answered: The hair **penetrates through** the hide and touches the flesh, thereby providing protection directly for the flesh.

מַתְקִיף לָהּ רַב אַחָא: אֶלָּא מֵעַתָּה תְּפִילִּין הֵיכִי כָּתְבִינַן? הָא בָּעֵינַן כְּתִיבָה תַּמָּה, וְלֵיכָּא!

Rav Aḥa objects to this answer: **If that is so,** that there are perforations in the hide through which the hairs penetrate, **how can we write phylacteries? Don't we require** phylacteries to be written with **a perfect writing** with no perforations in the letters? **And** that **is not** possible if there are perforations in the hide.

אִישְׁתְּמִיטְּטֵיהּ הָא דְּאָמְרִי בְּמַעְרְבָא: כָּל נֶקֶב שֶׁהַדְּיוֹ עוֹבֵר עָלָיו – אֵינוֹ נֶקֶב.

The Gemara answers: **That** *halakha* **which they say in the West,** Eretz Yisrael, **escaped** Rav Aḥa: **Any perforation over which the ink passes** and which it covers **is not** considered **a perforation** that invalidates the writing.

אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: עוֹר שֶׁיֵּשׁ עָלָיו כַּזַּיִת בָּשָׂר, הַנּוֹגֵעַ בְּצִיב הַיּוֹצֵא מִמֶּנּוּ וּבַשְּׂעָרָה שֶׁכְּנֶגְדּוֹ – טָמֵא. מַאי לָאו מִשּׁוּם שׁוֹמֵר? לָא, מִשּׁוּם יָד.

Rabbi Yoḥanan raised an objection to the opinion of **Reish Lakish** opinion from the mishna taught later (124a): In the case of the **hide** of an animal carcass **upon which there is an olive-bulk of flesh, one who touches a strand** of flesh **emerging from** the flesh **or** touches **a hair that is** on the side of the hide **opposite** the flesh **is ritually impure,** even though he did not touch an olive-bulk of the flesh. **What** is the reason that one who touches the strand of flesh or the hair becomes impure? **Is it not because** they constitute **protection** for the flesh? The Gemara answers: **No,** it is **because** the hair constitutes **a handle** for the flesh.

נִימָא אַחַת לְמַאי חֲזְיָא? כְּדַאֲמַר רַבִּי אֵילְעָא: בְּמִלַּאי שֶׁבֵּין הַמִּלָּאִין, הָכִי נַמִּי: בְּנִימָא שֶׁבֵּין הַנִּימִין.

The Gemara asks: **For what** function **is one hair fit** such that it constitutes a handle? The Gemara answers: One can explain that mishna **as Rabbi Ela said** in explanation of a different mishna: It is stated **with regard to** the case of **an awn among** many **awns. Here too,** the mishna is stated **with regard to** the case of **a hair among** many **hairs** and not the case of a single hair. The hair serves as a handle for the flesh because one can hold the hair and lift the flesh without the hair becoming detached.

וְהֵיכָא אִיתְּמַר דְּרַבִּי אֵילְעָא? אַהָא, דְּתָנֵי: הַמִּלַּאי שֶׁבַּשִּׁבֳּלִין – מְטַמְּאִין וּמִיטַּמְּאִין וְאֵין מִצְטָרְפִין. מִלַּאי לְמַאי חֲזְיָא? אָמַר רַבִּי אֵילְעָא: בְּמִלַּאי שֶׁבֵּין הַמִּלָּאִין.

And where was the opinion **of Rabbi Ela stated?** It **was stated with regard to that which we learned** in a mishna: **An awn that is on** top of **a stalk can become impure and impart impurity, but it does not join together** with the grains to constitute the requisite measure to impart impurity. It was asked: **For what** function **is an awn fit** such that it is considered to be a handle for the stalk? **Rabbi Ela said:** The mishna is stated **with regard to** the case of **an awn among** many **awns.**

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״וְהָרוֹטֶב״. מַאי רוֹטֶב? אֲמַר רָבָא: שׁוּמָנָא.

§ The mishna teaches: **The gravy** [***rotev***] joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food, but an egg-bulk of gravy itself is not susceptible to impurity. The Gemara asks: To **what** is the term ***rotev*** referring? **Rava said:** The term *rotev* is referring to **the fat** that floats on top of a soup of cooked meat.

אֲמַר לֵיהּ אַבַּיֵי: הוּא עַצְמוֹ יִטְמָא טוּמְאַת אוֹכָלִין! אֶלָּא, חֶלֶב דְּקָרִישׁ.

Abaye said to Rava: That fat **itself** is eaten and **is** therefore susceptible to **impurity of food. Rather,** the term *rotev* is referring to **fat that** oozed out of the meat and **congealed.** That fat is not eaten, but it does join together with the meat to constitute the requisite egg-bulk to impart the impurity of food.

מַאי אִירְיָא קָרִישׁ כִּי לָא קָרִישׁ נַמִּי, דַּאֲמַר רֵישׁ לָקִישׁ: צִיר שֶׁעַל גַּבֵּי יָרָק מִצְטָרֵף לְכַכּוֹתֶבֶת בְּיוֹם הַכִּפּוּרִים!

The Gemara asks: **Why** is the mishna referring **specifically** to **congealed** fat? **Even** in a case **where the fat did not congeal** it joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food, **as Reish Lakish said: Brine on a vegetable,** even though it is a liquid, **combines** with the vegetable **to** constitute **a large date-bulk** [***kakotevet***][B] with regard to rendering one liable for violating the prohibition against eating **on Yom Kippur.**[H] Similarly, liquid fat should combine with the meat to constitute the requisite volume to impart the impurity of food.

הָתָם מִשּׁוּם יִתּוּבֵי דַּעְתָּא הוּא – בְּכָל דְּהוּ מִיתְּבָא דַּעְתֵּיהּ.

The Gemara answers: Liquids and solids do not join together to constitute the requisite egg-bulk to impart the impurity of food. The reason for the *halakha* **there,** with regard to Yom Kippur, **is because** one is liable even for the consumption of a liquid that is not characterized as food if the **mind** of the one who consumes it is **settled.** This is because with regard to the fast of Yom Kippur the Torah is concerned with a person's affliction, as the verse states: "You shall afflict your souls" (Leviticus 23:27). Therefore, one is liable on Yom Kippur for **any** eating that **settles his mind.**

הָכָא מִשּׁוּם אִיצְטְרוּפֵי הוּא, אִי קָרִישׁ – מִצְטָרֵף, אִי לָא קָרִישׁ – לָא מִצְטָרֵף.

But that is not the case **here with regard to** impurity. For two substances to join together to impart impurity, **a combination** between substances that have a common requisite measure for imparting impurity **is** necessary. Liquid and solid foods do not have the same requisite measure. Therefore, **if** the fat **is congealed, it joins together** with the meat. **If it is not congealed, it does not join together** with the meat.

״וְהַקִּיפָּה״. מַאי קִיפָּה? אֲמַר רַבָּה: פִּירְמָא.

§ The mishna teaches: **The spices** [***kifa***] join together with the meat to constitute the requisite egg-bulk to impart the impurity of food, but an egg-bulk of *kifa* itself is not susceptible to impurity. The Gemara asks: To **what** is the term ***kifa*** referring? **Rabba said:** The term *kifa* is referring to a congealed **hash** of cooked meat that settled to the bottom of the pot.

אֲמַר לֵיהּ אַבַּיֵי: הוּא עַצְמוֹ יִטְמָא טוּמְאַת אוֹכָלִין! אֶלָּא אֲמַר רַב פַּפָּא: תַּבְלִין.

Abaye said to Rabba: That hash **itself is** eaten and is therefore susceptible to **the impurity of food. Rather, Rav Pappa said:** The term *kifa* is referring to **spices,** which are not eaten themselves but do join together with the meat to constitute the requisite egg-bulk to impart the impurity of food.

תְּנַן הָתָם: הִקְפָּה אֶת הַדָּם וַאֲכָלוֹ, אוֹ שֶׁהִמְחָה אֶת הַחֵלֶב וּגְמָעוֹ – חַיָּיב.

§ Since the mishna mentions *kifa*, which, according to Rabba, is referring to a congealed substance, the Gemara discusses the *halakha* of one who congealed a forbidden substance and consumed it. **We learned** in a *baraita* **there:** One who **caused blood to coagulate and ate it or melted** forbidden **fat and swallowed it is liable.**

בִּשְׁלָמָא הִקְפָּה אֶת הַדָּם וַאֲכָלוֹ – כֵּיוָן דַּאֲקָפֵיהּ, אַחְשׁוּבֵי אַחְשְׁבֵיהּ. אֶלָּא, הִמְחָה אֶת הַחֵלֶב וּגְמָעוֹ, אֲכִילָה כְּתִיבָא בֵּיהּ, וְהָא לָאו אֲכִילָה הִיא!

The Gemara objects: **Granted,** one who **caused blood to coagulate and ate it** is liable. Although blood is not normally eaten in such a manner, **since he caused** the blood **to coagulate, he ascribed** the **significance** of food **to it,** and the Torah prohibits the eating of blood, as it is written: "You shall eat neither fat nor blood" (Leviticus 3:17). **But** why is one who **melted** forbidden **fat and swallowed it** liable? **Eating,** and not drinking, **is stated** in the Torah with regard to the prohibition against the consumption of forbidden fat, as it is written: "You shall eat no fat of ox or sheep or goat" (Leviticus 7:23), **and this** swallowing of a liquid **is not eating.**[N]

BACKGROUND

Large date-bulk [*kakotevet*] – כַּכּוֹתֶבֶת: The term *kotevet* refers to a date that is in the beginning stage of the drying process. The term *kakotevet* is used to refer to the volume of a large date, which is larger than an olive-bulk but smaller than an egg-bulk. Halakhic opinions as to the exact volume of a *kotevet* range between 40 and 50 cc.

HALAKHA

Brine on a vegetable combines to constitute a large date-bulk with regard to eating on Yom Kippur – צִיר שֶׁעַל גַּבֵּי יָרָק מִצְטָרֵף לְכַכּוֹתֶבֶת בְּיוֹם הַכִּפּוּרִים: Brine on a vegetable combines with the vegetable to constitute a large date-bulk with regard to rendering one liable for violating the prohibition against eating on Yom Kippur. Since the brine improves the food it is considered to be part of the food (Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 2:7; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 612:2).

NOTES

And this swallowing of a liquid is not eating – וְהָא לָאו אֲכִילָה הִיא: The early commentaries find this question difficult, as it is derived in the Gemara (*Shevuot* 23a) that drinking is included in eating from the following verse, which refers to the drinking of wine as eating: "And you shall eat before the Lord your God, in the place where he shall choose to cause His name to dwell there, the tithe of your grain, of your wine, and of your oil" (Deuteronomy 14:23). *Tosafot* suggest that there is a distinction between drinking a substance whose natural state is liquid and drinking a solid substance that has been melted: Only the former manner of drinking is considered eating, but not the latter.

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HALAKHA

If one dissolved it in water and swallowed it, etc. – הִמְּחָהוּ וּגְמָעוֹ וכו׳: In a case where one consumed an olive-bulk of leavened bread on Passover, from the evening of the fifteenth of Nisan until the end of the twenty-first day of the month, the *halakha* is as follows: If he consumed it intentionally, he is liable to receive *karet*; if he consumed it unintentionally, he is liable to bring a sin offering. The same *halakha* applies to one who took leavened bread, dissolved it in water, and swallowed this mixture on Passover (Rambam *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 1:1).

If one dissolved it in water and swallowed it…if it is *matza*, etc. – הִמְּחָהוּ וּגְמָעוֹ...אִם מַצָּה הִיא וכו׳: One who takes *matza*, dissolves it in water, and swallows the mixture does not fulfill his obligation to eat *matza* on Passover (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 461:4).

One who liquefied the carcass…in the sun and drank it is pure – הִמְּחָהוּ...בַּחַמָּה טָהוֹר: If one liquefied a kosher bird in the sun and drank it, he is pure because it became rotten (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 3:10).

BACKGROUND

Carcass of a kosher bird – נִבְלַת עוֹף טָהוֹר: The carcass of a kosher bird has a unique halakhic status, to which the Gemara here is referring. Although it is ritually impure because it was not slaughtered properly, it does not impart impurity by being touched or carried, as the carcass of any other animal would, but only by being eaten. When a piece of the carcass enters a person's esophagus, he contracts ritual impurity, rendering impure not only his body but also the clothes he is wearing at the time.

אֲמַר רֵישׁ לָקִישׁ: אֲמַר קְרָא ״נֶפֶשׁ״ – לְרַבּוֹת אֶת הַשּׁוֹתֶה.

Reish Lakish said: One is liable even for drinking the melted forbidden fat of an animal. **The verse states:** "For all who eat the fat of the animal that one could offer from it a fire offering to the Lord, the soul that eats it shall be cut off from his people" (Leviticus 7:25). The term **"soul"** is interpreted homiletically **to include** in the prohibition **one who drinks** the fat.

תַּנְיָא נַמִי גַּבֵּי חָמֵץ כְּהַאי גַּוְונָא: הִמְּחָהוּ וּגְמָעוֹ, אִם חָמֵץ הוּא – עָנוּשׁ כָּרֵת, אִם מַצָּה הִיא – אֵין אָדָם יוֹצֵא בָּהּ יְדֵי חוֹבָתוֹ בְּפֶסַח.

The Gemara comments: A novelty **of this kind is also taught** in a *baraita* **with regard to** the prohibition against eating **leavened bread** on Passover: If one took bread, **dissolved it** in water, **and swallowed** this mixture[H] on Passover, the *halakha* is as follows: **If it is leavened bread, he is punished with *karet*; if it is *matza*,**[H] then **a person does not fulfill his obligation** to eat *matza* **on Passover with** this food.

בִּשְׁלָמָא אִם מַצָּה הִיא אֵין אָדָם יוֹצֵא בָּהּ יְדֵי חוֹבָתוֹ בְּפֶסַח ״לֶחֶם עֹנִי״ אֲמַר רַחֲמָנָא, וְהַאי לָאו ״לֶחֶם עֹנִי״ הוּא, אֶלָּא אִם חָמֵץ הוּא עָנוּשׁ כָּרֵת, אֲכִילָה כְּתִיבָא בֵּיהּ!

The Gemara objects: **Granted, if it is *matza*, a person does not fulfill his obligation** to eat *matza* **on Passover with** this food, as **the Merciful One states** with regard to the prohibition against eating leavened bread on Passover: "You shall eat no leavened bread with it; seven days you shall eat unleavened bread with it, even **the bread of affliction"** (Deuteronomy 16:3), indicating that one must eat the bread of affliction, **but this** bread dissolved in water **is not** considered **the bread of affliction. But if** the bread **is leavened bread,** why **is he punished with *karet*? Eating is written with regard to** the prohibition against leavened bread, and in this case he did not eat it but rather drank it.

אֲמַר רֵישׁ לָקִישׁ: אֲמַר קְרָא ״נֶפֶשׁ״ – לְרַבּוֹת אֶת הַשּׁוֹתֶה.

Reish Lakish said: One is liable even for drinking leavened bread. **The verse states:** "For all who eat leavened bread from the first day until the seventh day, that soul shall be cut off from Israel" (Exodus 12:15). The term **"soul"** is interpreted homiletically **to include** in the prohibition **one who drinks** leavened bread.

וְתַנְיָא נַמִי גַּבֵּי נִבְלַת עוֹף טָהוֹר כְּהַאי גַּוְונָא: הִמְּחָהוּ בָּאוּר – טָמֵא, בַּחַמָּה – טָהוֹר, וְהָווינַן בָּהּ, אֲכִילָה כְּתִיב בֵּיהּ!

The Gemara comments: A novelty **of this kind is also taught** in the *Tosefta* (*Zavim* 5:9) **with regard to** one who eats **the** unslaughtered **carcass of a kosher bird:**[B] **One who liquefied** the carcass of an unslaughtered kosher bird **in fire** and drank the substance **is impure.** But one who liquefied it **in the sun** and drank it **is pure.**[H] **And we discussed it: Eating** and not drinking **is stated** with regard to the impurity of a carcass, as it is written: "And every soul that eats an unslaughtered carcass or that which is mauled by an animal, whether he is native or stranger, he shall wash his garments, bathe in water, and shall be impure until the evening" (Leviticus 17:15). Why, then, does one who drinks a kosher bird carcass become impure?

אֲמַר רֵישׁ לָקִישׁ: אֲמַר קְרָא ״נֶפֶשׁ״ – לְרַבּוֹת אֶת הַשּׁוֹתֶה. אִי הָכִי בַּחַמָּה נַמִי! בַּחַמָּה אִיסְרוּחֵי מִסְרַח.

Reish Lakish said: He becomes impure because **the verse states:** "And every **soul."** The term "soul" is interpreted homiletically **to include one who drinks.** The Gemara objects: **If so,** one who drinks a carcass that is melted **in the sun** should **also** become impure. The Gemara explains: A carcass takes a long time to melt **in the sun.** Therefore, the liquid **becomes rotten** and unfit for consumption.

וּצְרִיכִי, דְּאִי כְּתַב רַחֲמָנָא חֵלֶב – חָמֵץ לָא אָתֵי מִינֵּיהּ, שֶׁכֵּן לֹא הָיְתָה לוֹ שְׁעַת הַכּוֹשֶׁר. נְבֵלָה לָא אָתֵי מִינֵּיהּ – שֶׁכֵּן עָנוּשׁ כָּרֵת.

The Gemara cited three instances in which Reish Lakish interpreted the term "soul" as including one who drinks. The Gemara explains: All three mentions of the term "soul" **are necessary. As, if the Merciful One had written** the term "soul" only with regard to forbidden **fat,** liability for drinking liquefied **leavened bread could not have been derived from it, since** the prohibition against the consumption of forbidden fat has an element of stringency that does not apply to leavened bread in that the forbidden fat **had no period of fitness** for consumption. Leavened bread, on the other hand, may be consumed before Passover. Likewise, impurity contracted by drinking a liquefied **carcass could not be derived from** the *halakha* of forbidden fat **because** the consumption of forbidden fat is **punishable by *karet*,** which is not the case with regard to the consumption of a carcass.

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וְאִי כְּתַב רַחֲמָנָא חָמֵץ – חֵלֶב לָא אָתֵי מִינֵּיהּ, שֶׁכֵּן לֹא הוּתַּר מִכְּלָלוֹ. וּנְבֵלָה לָא אָתְיָא מִינֵּיהּ, שֶׁכֵּן עָנוּשׁ כָּרֵת.

And if the Merciful One had written the term "soul" only with regard to **leavened bread,** liability for drinking melted forbidden **fat could not be derived from it, as** there are **no** circumstances in which **the general prohibition** against eating leavened bread **was permitted.** The consumption of forbidden fat, on the other hand, is permitted with regard to the fat of an undomesticated animal. **And** similarly, impurity contracted by drinking a liquefied **carcass could not be derived from** the *halakha* of leavened bread, **because** the *halakha* of leavened bread has an element of stringency that does not apply to a carcass in that its consumption is **punishable by *karet*.**

וְאִי כְּתַב רַחֲמָנָא בִּנְבֵלָה – הָנָךְ לָא אָתְיָא מִינָּהּ, שֶׁכֵּן מְטַמְּאָה.

And if the Merciful One had written the term "soul" only **with regard to a carcass, those** prohibitions against drinking melted fat and liquefied leavened bread **could not be derived from it, because** a carcass has an element of stringency that does not apply to those prohibitions in that **it transmits impurity** to one who eats it. Therefore, all three mentions of the term "soul" are necessary.

חֲדָא מֵחֲדָא לָא אָתְיָא, תֵּיתֵי חֲדָא מִתְּרֵתֵי! הֵי תֵּיתֵי? לָא לִכְתּוֹב רַחֲמָנָא בִּנְבֵלָה וְתֵיתֵי מֵהָנָךְ – מַה לְהָנָךְ שֶׁכֵּן עָנוּשׁ כָּרֵת!

The Gemara objects: It is true that **one** *halakha* **cannot be derived from** either **one** of the others, as detailed above. Nevertheless, one can **derive** the *halakha* of **one** of them **from** the other **two.** The Gemara responds: This is not possible, as **which** *halakha* can one **derive** from the others? **Let the Merciful One not write** this *halakha* **with regard to** a liquefied **carcass and derive** it **from these** other prohibitions against eating forbidden fat and leavened bread. One can refute this derivation: **What** is notable **about these** other prohibitions? They are notable **in that** one who transgresses them **is punished with *karet*,** contrary to one who eats a carcass.

לָא לִכְתּוֹב רַחֲמָנָא בְּחָמֵץ וְתֵיתֵי מֵהָנָךְ – מַה לְהָנָךְ שֶׁכֵּן לֹא הָיְתָה לָהֶן שְׁעַת הַכּוֹשֶׁר!

The Gemara suggests: **Let the Merciful One not write** this *halakha* **with regard to** dissolved **leavened bread and derive** it **from these** *halakhot* of forbidden fat and a carcass. The Gemara refutes the derivation: **What** is notable **about these** *halakhot*? They are notable **in that they had no period of fitness** for consumption, as opposed to leavened bread, which was fit for consumption before Passover.

לָא לִכְתּוֹב רַחֲמָנָא בְּחֵלֶב וְתֵיתֵי מֵהָנָךְ – מַה לְהָנָךְ שֶׁכֵּן לֹא הוּתַּר מִכְּלָלָן, תֹּאמַר בְּחֵלֶב שֶׁהוּתַּר מִכְּלָלוֹ!

The Gemara suggests: **Let the Merciful One not write** this *halakha* **with regard to** forbidden **fat and derive** it **from these** *halakhot* of consuming leavened bread and a carcass. The Gemara refutes the derivation: **What** is notable **about these** *halakhot*? They are notable **in that** there are **no** circumstances in which **their general prohibition was permitted. Shall you say** the same **with regard to** forbidden **fat, whose general prohibition was permitted** in certain circumstances? Therefore, all three mentions of the term "soul" are necessary.

וּמַאי נִיהוּ? אִילֵימָא חֵלֶב בְּהֵמָה לַגָּבוֹהַּ – נְבֵלָה נַמִּי אִשְׁתְּרַאי מְלִיקַת עוֹף לַגָּבוֹהַּ!

The Gemara asks: **And what is** the case in which forbidden fat is permitted? **If we say** that it is the **fat of a domesticated animal** that is permitted to be sacrificed in the Temple **to the Most High,** a bird **carcass is also permitted** to be sacrificed in the Temple. Although **pinching** the nape of the neck of **a bird** renders it an unslaughtered carcass and forbidden for consumption, bird offerings are sacrificed **to the Most High** in such a manner.

וְאֶלָּא חֵלֶב חַיָּה לְהֶדְיוֹט – נְבֵלָה נַמִּי אִשְׁתְּרַאי, מְלִיקָה דְּחַטַּאת הָעוֹף לַכֹּהֲנִים!

And if the reference is **rather** to **the** forbidden **fat of an undomesticated animal,** which is permitted **to an ordinary** person, one may respond that **a carcass is also permitted** for a person's consumption in a certain case, as **the pinching of** the nape of the neck of **a bird sin offering** renders it fit **for** consumption of **the priests.**

לְעוֹלָם חֵלֶב חַיָּה לְהֶדְיוֹט, וּדְקָא קַשְׁיָא לָךְ כֹּהֲנִים – כֹּהֲנִים מִשֻּׁלְחַן גָּבוֹהַּ קָא זָכוּ.

The Gemara answers: **Actually,** the reference is to **the** forbidden **fat of an undomesticated animal,** which is permitted **to an ordinary** person. **And that which** is **difficult for you** with regard to the fact that the **priests** eat the carcass of a bird which is brought as a sin offering is not difficult, as the **priests receive** their portion **from the table of the Most High.** Since this carcass is permitted as an offering to God, it is permitted to the priests as well. Therefore, this does not qualify as a case of an unslaughtered carcass permitted to ordinary people.

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וְהָא דְּתַנְיָא: ״הַטְּמֵאִים״ – לֶאֱסוֹר צִירָן וְרוֹטְבָן וְקִיפָּה שֶׁלָּהֶן, לָמָּה לִי? לִיגְמַר מֵהָנֵי!

§ The Gemara challenges: **But that which is taught** in the following *baraita* is difficult. The Torah states with regard to the prohibition against eating creeping animals: "These are they **that are impure** [***hatteme'im***] to you among all the creeping animals" (Leviticus 11:31). The Sages interpret the letter *heh* in the term "*hatteme'im*" **to forbid their juice** that oozes from their carcasses, **and their gravy** that is produced when they are cooked, **and sediments** of **their** flesh that congeal at the bottom of the dish when cooked. The Gemara explains the challenge: **Why do I** need a verse to teach this *halakha*? **Let** this *halakha* **be learned from these** *halakhot* of melted forbidden fat, a liquefied bird carcass, and dissolved leavened bread.

צְרִיכִי, דְּאִי לָא כְּתַב רַחֲמָנָא, הֲוָה אָמִינָא: דַּיּוֹ לַבָּא מִן הַדִּין לְהִיוֹת כַּנִּדּוֹן, מָה הָתָם עַד דְּאִיכָּא כַּזַּיִת, אַף הָכָא נַמִי עַד דְּאִיכָּא כַּזַּיִת.

The Gemara answers: **It is necessary** for this *halakha* to be written, **as if the Merciful One had not written** this *halakha* with regard to creeping animals and instead the *halakha* was derived from the other *halakhot*, **I would say: It is sufficient for the** conclusion that **emerges from** an *a fortiori* **inference to be like** its **source.** Accordingly, **just as there,** one who consumes melted forbidden fat, a liquefied carcass, or dissolved leavened bread is not liable **until** he consumes **an olive-bulk, so too here,** with regard to consuming the juice, gravy, and sediments of creeping animals, one is not liable **until** he consumes **an olive-bulk.** Therefore, a separate verse is necessary to teach that one is liable even for consuming a lentil-bulk of the juice, gravy, or sediments of a creeping animal, just as one is liable for consuming this measure of the creeping animal itself.

Perek **IX**
Daf **120** Amud **b**

וְלִיכְתּוֹב רַחֲמָנָא בִּשְׁרָצִים, וְלֵיתוּ הָנָךְ וְלִיגְמְרוּ מִינַּייהוּ!

The Gemara objects: **Let the Merciful One write** the prohibition against consuming the juice, gravy, and sediments of **creeping animals and let these** *halakhot* of consuming liquefied forbidden fat, dissolved leavened bread, and a melted carcass of a bird **come and be learned from** it.[N] The Torah does not need to state those *halakhot* explicitly.

מְשׁוּם דְּאִיכָּא לְמֵיפְרַךְ: מַה לִּשְׁרָצִים – שֶׁכֵּן טוּמְאָתָן בְּמַשֶּׁהוּ.

The Gemara explains: It is not possible to derive those *halakhot* in such a manner **because** that derivation **can be refuted: What** is notable **about creeping animals?** They are notable **in that their impurity** is imparted **in any amount.**[N] Those other *halakhot*, on the other hand, do not apply to less than an olive-bulk.

NOTES

And let these come and be learned from it – וְלֵיתוּ הָנָךְ וְלִיגְמְרוּ מִינַּייהוּ: The phrase: And let these, indicates that the Gemara is suggesting that one derive all three prohibitions previously mentioned from the case of creeping animals: Consumption of liquefied forbidden fat, a melted carcass of a bird, and dissolved leavened bread. Some early commentaries explain that the Gemara is actually suggesting that one derive only the prohibition against consuming a melted carcass of a bird from the case of a creeping animal. The other two prohibitions cannot be derived from a creeping animal because this derivation can be refuted in a manner previously discussed: The prohibition against consuming creeping animals is notable in that there are no circumstances in which it was relaxed, while the consumption of forbidden fats is permitted in certain cases. Similarly, the prohibition against consuming creeping animals is notable in that there was no time in which they were fit for consumption, while leavened bread was fit for consumption before Passover (Rashba).

Their impurity is imparted in any amount – טוּמְאָתָן בְּמַשֶּׁהוּ: The term: Any amount, here refers to a lentil-bulk, the smallest of all Torah measures. The Gemara derives this measure as follows (*Nazir* 52a): The verse states with regard to creeping animals: "Whoever touches them when they are dead shall be impure" (Leviticus 11:31). One might have thought this *halakha* applies only to complete creatures. Therefore, the verse states: "And upon whatever any of them, when they are dead, fall, it shall be impure" (Leviticus 11:32), which indicates that part of these creatures also imparts impurity. The Gemara reconciles the two verses by explaining that one does not become ritually impure unless he touches at least part of them that is equal in measure to all of them, i.e., a large part. The Sages calculated this as being the volume of a lentil-bulk, as the skink, one of the eight impure animals, is the size of a lentil-bulk at the beginning of its life cycle.

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וְהָא דְּתַנְיָא: הַטֶּבֶל וְהֶחָדָשׁ וְהַהֶקְדֵּשׁ וְהַשְּׁבִיעִית וְהַכִּלְאַיִם, כּוּלָּן – מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמוֹתָן, מְנָלַן?

§The Gemara continues to examine the source for the status of liquids with regard to various *halakhot* based on **that which is taught** in a *baraita*: With regard to **untithed produce; and the new crop** of grain of the year, which is forbidden until after the *omer* offering is brought on the sixteenth of Nisan (see Leviticus 23:14); **and consecrated** produce; **and** the produce of **the Sabbatical** Year[B] after the designated time when it must be removed from one's house; **and diverse kinds,** i.e., the produce of a vineyard in which grains were sown; with regard to **all of them,** it is prohibited to consume **liquid that emerges from them just as** it is prohibited to consume them **themselves.**[H] The Gemara asks: **From where do we** derive this *halakha*?

וְכִי תֵּימָא: לִיגָּמֵר מֵהָנָךְ, מַה לְהָנָךְ שֶׁכֵּן אִיסּוּר הַבָּא מֵאֵלָיו הָווּ.

And if you would say: Let those prohibitions **be learned from these** prohibitions of consuming the liquid that seeps from creeping animals, liquefied fat, dissolved leavened bread, and liquefied bird carcasses, one can respond that this derivation can be refuted. **What** is notable **about these** prohibitions? They are notable **in that** each of them is **a prohibition that develops on its own** without any human intervention, as opposed to the prohibitions in the *baraita*, which do not necessarily share this element of stringency.

תֵּינַח הֵיכָא דְּאִיסּוּר בָּא מֵאֵלָיו, הֵיכָא דְּלָאו אִיסּוּר הַבָּא מֵאֵלָיו, מְנָלַן?

Therefore, **it works out well** to derive the prohibition against consuming liquids that emerged from a solid **where the prohibition** is one that **develops on its own,** such as untithed produce, the new crop, Sabbatical Year produce and diverse kinds. But with regard to consecrated produce, **where the prohibition does not develop on its own** but rather only after a person consecrates the produce, **from where do we** derive that it is prohibited to consume the liquid that emerges from the produce just as it is prohibited to consume the produce itself?

גָּמְרִינַן מִבִּכּוּרִים. וּבִכּוּרִים גּוּפַיְיהוּ מְנָלַן?

The Gemara answers: **We learn** this *halakha* **from** the case of **first fruits.**[B] Consumption of first fruits is a prohibition that does not develop on its own, because the owner must set aside the first fruits. And consumption of the liquid that emerges from first fruits is prohibited like consumption of the fruit itself. The Gemara asks: **And from where do we** derive this *halakha* with regard to **first fruits themselves?**

דְּתָנֵי רַבִּי יוֹסֵי: ״פְּרִי״ – פְּרִי אַתָּה מֵבִיא, וְאִי אַתָּה מֵבִיא מַשְׁקֶה. הֵבִיא עֲנָבִים וּדְרָכָן, מִנַּיִן? תַּלְמוּד לוֹמַר: ״תָּבִיא״.

The Gemara answers that first fruits can be brought as wine, **as Rabbi Yosei teaches:** The verse states with regard to first fruits: "You shall take of the first of all the **fruit** of the ground, which you shall bring in from your land" (Deuteronomy 26:2). Since the verse mentions fruit, this indicates that **you must bring** actual **fruit, and you may not bring** the first fruits in the form of **beverages.**[H] But if one **brought grapes and** he had already **pressed them** into wine,[N] **from where** is it derived that he has fulfilled his obligation? **The verse states: "You shall bring in** from your land." This superfluous term serves to teach that if one brings wine for the mitzva of first fruits, he has fulfilled his obligation.

אִיכָּא לְמֵיפְרָךְ: מַה לְבִכּוּרִים – שֶׁכֵּן טְעוּנִין קְרִיָּיה וְהַנָּחָה!

But this derivation from the case of first fruits **can be refuted: What** is notable **about first fruits?** They are notable **in that they require reciting** the passage which begins: "My father was a wandering Aramean" (Deuteronomy 26:5), **and placing** the fruits in the Temple, whereas no such requirements exists with regard to consecrated produce.

BACKGROUND

Sabbatical Year – שְׁבִיעִית: A Sabbatical cycle lasts seven years. The seventh year is known as the Sabbatical Year, or the year of abandonment or release [*shemitta*]. The Sabbatical Year is based on Torah law (see Leviticus 25:1–7 and Deuteronomy 15:1–6), but most authorities maintain that the conditions for the applicability of the biblical mitzva have lapsed, and its present-day observance is based on rabbinic decree. During the Sabbatical Year all agricultural land in Eretz Yisrael must be left to lie fallow. It is prohibited to work the land, except for what is necessary to keep existing crops alive. All produce that does grow is ownerless and must be left unguarded in the fields for ready access to any creature, including wild animals and birds. As long as produce can still be found in the fields it may be eaten, although it may not be bought and sold in the normal manner or used for purposes other than food. Following that time, one must remove the produce of the Sabbatical Year from his house. It is prohibited by rabbinic decree to consume produce that grew from seeds during the Sabbatical Year, even if it grew by itself. According to some authorities, this prohibition applies by Torah law.

First fruits – בִּיכּוּרִים: The first fruits of the new harvest were given to the priests (Deuteronomy 26:1–11). When the Temple stood, a farmer would select the first fruits of the seven types of produce with which Eretz Yisrael is specially favored: Wheat, barley, grapes, figs, pomegranates, olives, and dates (Deuteronomy 8:8). By rabbinic decree, at least one-sixtieth of the harvest must be brought as first fruits. The farmer would bring these fruits to the Temple in a basket, place them before the altar, and recite a prayer of appreciation to God (Deuteronomy 26:3–10). Afterward, the fruit was given to the priests and eaten under the same provisions that govern *teruma*. The first fruits were brought to the Temple between the festivals of *Shavuot* and *Sukkot*. If they were not brought within this period, an extension was granted until Hanukkah. An entire tractate of the Mishna, *Bikkurim*, discusses the *halakhot* and practices governing this mitzva.

HALAKHA

It is prohibited to consume liquid that emerges from them just as it is prohibited to consume them themselves – מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמוֹתָן: With regard to untithed produce, the new crop, consecrated produce, produce that comes from *orla*, produce of the Sabbatical Year, and the produce of diverse kinds, it is prohibited to consume liquid that emerges from them just as it is prohibited to consume the produce itself. Nevertheless, one receives lashes only for the consumption of wine and oil of *orla* and the wine of diverse kinds. This ruling is in accordance with the *baraita* here and the mishna in tractate *Terumot* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 10:22).

You must bring fruit and you may not bring beverages – פְּרִי אַתָּה מֵבִיא וְאִי אַתָּה מֵבִיא מַשְׁקֶה: One may not bring first fruits in the form of beverages except for olives and grapes. If one brought first fruits in the form of beverages they are not accepted, in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 2:4).

NOTES

One brought grapes and he had already pressed them into wine – הֵבִיא עֲנָבִים וּדְרָכָן: The early commentaries disagree with regard to the interpretation of this case in the *baraita*. According to *Tosafot*, the case is where one designated grapes or olives as first fruits when they were whole, after which one may extract wine or oil from them and bring it to the Temple. By contrast, Rambam's Commentary on the Mishna (tractate *Ḥalla*) explains that that case is a subject of dispute among *tanna'im*. Rabbi Yehoshua holds that one may bring first fruits of wine and oil, but the Rabbis hold that one must bring the whole fruit. The *baraita* is discussing a case where one brought the first fruits in the form of fruit and then later crushed the grapes or olives in the Temple courtyard. In such a case, the wine or oil retains the status of first fruits, and a non-priest may not consume it.

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BACKGROUND

Infer from it and again from it – דִּין מִינָּהּ וּמִינָּהּ: A *halakha* derived via the exegetical method of a verbal analogy, i.e., a tradition that two cases are connected as indicated by similar words, is considered a Torah edict. Although there is a principle that verbal analogies apply beyond the specific detail under discussion, there is a dispute with regard to the extent of the details derived by verbal analogy. According to the method of: Infer from it and derive the details from it, all the details of the source *halakha* are applied to the other case. By contrast, according to the method of: Infer from it but interpret the *halakha* according to its own place, the verbal analogy applies only to the particular detail to which it refers.

אֶלָּא, גְּמַר מִתְּרוּמָה.

Rather, one can **derive** the prohibition against consuming the liquid that emerges from consecrated produce **from** the prohibition against consuming liquid that emerges from ***teruma,*** i.e., the portion of produce designated for the priest.

וּתְרוּמָה גּוּפָהּ מְנָלַן? דְּאִיתְקַשׁ לִבְכוּרִים. דַּאֲמַר מָר: ״וּתְרוּמַת יָדֶךָ״ – אֵלּוּ בְּכוּרִים.

The Gemara asks: **And from where do we** derive this *halakha* with regard to ***teruma* itself?** the Gemara answers: It is derived from the fact **that** *teruma* **is compared to first fruits, as** it is written: "You may not eat within your gates the tithe of your grain, or of your wine, or of your oil, or the firstborn of your cattle and of your flocks, or any of your vows that you will vow, or your pledges, nor the offering of your hand" (Deuteronomy 12:17), and **the Master said** with regard to the phrase "**nor the offering** [***teruma***] **of your hand**" that **these are** the **first fruits.** Since the verse uses the term "*teruma*" with regard to first fruits, the *halakha* of *teruma* is compared to the *halakha* of first fruits: Just as liquid that emerges from first fruits is forbidden like the fruit itself, so too liquid that emerges from *teruma* is forbidden like the produce itself. Consequently, the prohibition against consuming the liquid that emerges from consecrated produce can be derived from *teruma*.

מַה לִּתְרוּמָה – שֶׁכֵּן חַיָּבִין עָלֶיהָ מִיתָה וְחוֹמֶשׁ!

The Gemara refutes this derivation from *teruma*: **What** is notable **about *teruma*?** It is notable **in that** a non-priest **is liable** to receive the punishment of **death** at the hand of Heaven **for** consuming *teruma*, **and** he must restore the value of the produce he ate, adding **one-fifth** of its value as a fine. This element of stringency does not exist with regard to one who consumes consecrated produce.

אֶלָּא גְּמַר מִתַּרְוַיְיהוּ מִתְּרוּמָה וּבְכוּרִים. מַה לִּתְרוּמָה וּבְכוּרִים – שֶׁכֵּן חַיָּבִין עֲלֵיהֶם מִיתָה וְחוֹמֶשׁ!

Rather, one can **learn** the prohibition against consuming the liquid that emerges from consecrated produce **from both *teruma* and first fruits.** The Gemara refutes this derivation: **What** is notable **about *teruma* and first fruits?** They are notable **in that** a non-priest **is liable** to receive the punishment of **death** at the hand of Heaven **for** consuming *teruma* or first fruits, **and** he must restore the value of the produce he ate, adding **one-fifth** of its value as a fine. This is not true with regard to one who consumes consecrated produce.

אֶלָּא, אָתְיָא מִתְּרוּמָה וְחַד מֵהָנָךְ, אוֹ מִבִּכּוּרִים וְחַד מֵהָנָךְ.

Rather, the prohibition against consuming the liquid that emerges from consecrated produce **is derived from *teruma* and one of these** prohibitions, i.e., a liquefied carcass of a bird or dissolved leavened bread; **or** it can be derived **from first fruits and one of these** prohibitions.

וְהָא דְּתָנֵן: דְּבַשׁ תְּמָרִים וְיֵין תַּפּוּחִים וְחוֹמֶץ סִיתְוָונִיּוֹת וּשְׁאָר מִינֵי פֵּירוֹת שֶׁל תְּרוּמָה רַבִּי אֱלִיעֶזֶר מְחַיֵּיב קֶרֶן וְחוֹמֶשׁ, וְרַבִּי יְהוֹשֻׁעַ פּוֹטֵר.

§ The Gemara elaborates on the comparison between *teruma* and first fruits with regard to the *halakha* that the status of liquid that emerges from produce is like that of the produce itself, **and** it explains **that which we learned** in a mishna (*Terumot* 11:2): If a non-priest ate **date honey, or apple wine, or vinegar** made **from grapes of autumn**[H] that grow stunted at the end of the season and are unfit for wine production, **or** any of the **other types of** juice made from **fruits of *teruma*, Rabbi Eliezer deems** him **obligated** to repay **the principal and** an additional **fifth,** like the penalty for one who ate the *teruma* produce itself. **And Rabbi Yehoshua deems** him **exempt** from payment.

בְּמַאי פְּלִיגִי? בְּדִין מִינָּהּ וּמִינָּהּ, וּבְדִין מִינָּהּ וְאוֹקֵי בְּאַתְרָהּ קָמִיפַּלְגִי.

The Gemara explains: **With regard to what** principle do Rabbi Eliezer and Rabbi Yehoshua **disagree? They disagree with regard to** the principles governing the process of deriving one *halakha* from another *halakha*. One maintains the exegetical principle: **Infer from it, and** again **from it,**[B] i.e., when one case is derived from another all the details of the source case are applied to the other case; **and** one maintains the principle: **Infer from it but interpret** the *halakha* **according to its** own **place,** i.e., one derives only the basic principle of the source case, whereas all other aspects of the source case are not applied to the case at hand.

HALAKHA

Date honey or apple wine or vinegar from grapes of autumn – דְּבַשׁ תְּמָרִים וְיֵין תַּפּוּחִים וְחוֹמֶץ סִיתְוָונִיּוֹת: With regard to a non-priest who drank honey from dates, wine from apples, or any other type of beverage made from produce of *teruma*, the *halakha* is as follows: If he consumed it unintentionally he is not obligated to pay, but if he consumed it intentionally he receives lashes for rebelliousness (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 11:2).

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דְּרַבִּי אֱלִיעֶזֶר סָבַר: דּוּן מִינָּהּ וּמִינָּהּ, מַה בִּכּוּרִים – מַשְׁקִין הַיּוֹצֵא מֵהֶן כְּמוֹתָן, אַף תְּרוּמָה נַמִּי – מַשְׁקִין הַיּוֹצֵא מֵהֶן כְּמוֹתָן. וּמִינָּהּ, מַה בִּכּוּרִים – אֲפִילּוּ שְׁאָר מִינִין, אַף תְּרוּמָה נַמִּי – אֲפִילּוּ שְׁאָר מִינִין.

As Rabbi Eliezer holds: Infer from it, and again **from it. Just as** with regard to **first fruits,** the status of the **liquid that emerges from them is like** that of the produce itself, **so too** with regard to ***teruma*,** the status of the **liquid that emerges from it is like** that of the produce itself. **And** again infer **from it: Just as** the *halakha* of **first fruits** includes not only olives and grapes but **even other types** of produce from the seven species for which Eretz Yisrael is praised, and the status of liquid that emerges from that produce is like that of the produce itself, **so too** with regard to ***teruma*,** although oil and wine are the only liquids from which one is obligated to separate *teruma*, **even** liquid that emerges from **other types** of produce designated as *teruma* besides olives and grapes has the same status as the produce itself.

וְרַבִּי יְהוֹשֻׁעַ סָבַר: דּוּן מִינָּהּ, מַה בִּכּוּרִים – מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמוֹתָן, אַף תְּרוּמָה – מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמוֹתָן. וְאוֹקֵי בְּאַתְרָהּ, מַה מַּשְׁקִין דְּקָדָשִׁים בִּתְרוּמָה תִּירוֹשׁ וְיִצְהָר – אִין, מִידֵּי אַחֲרִינָא – לָא. אַף מַשְׁקִין הַיּוֹצְאִין מֵהֶן כְּמוֹתָן, תִּירוֹשׁ וְיִצְהָר – אִין, מִידֵּי אַחֲרִינָא – לָא.

And Rabbi Yehoshua holds: Infer from it that **just as** with regard to **first fruits** the status of the **liquid that emerges from them is like** that of the produce itself, **so too** with regard to ***teruma*,** the status of the **liquid that emerges from it is like** that of the produce itself. **But interpret** the *halakha* **according to its** own **place: Just as** in the case of **liquids that are consecrated as *teruma*,** with regard to **wine and oil, yes,** they are included, **but other** types are **not** included, **so too** in the case of **liquid that emerges from** *teruma*, as with regard to **wine and oil, yes,** they **are like** the produce itself, **but any other** type of liquid that emerges from *teruma* is **not** like the produce itself. Therefore, Rabbi Yehoshua deems exempt a non-priest who consumed any of the beverages mentioned in the mishna.

וְהָא דְּתָנַן: אֵין מְבִיאִין בִּכּוּרִים מַשְׁקֶה אֶלָּא הַיּוֹצֵא מִן הַזֵּיתִים וּמִן הָעֲנָבִים מַנִּי?

The Gemara cites **that which we learned** in a mishna (*Terumot* 11:3): **One may bring beverages** made from **first fruits** to the Temple **only** in the case of **that which emerges from the olives,** i.e., oil, **or from the grapes,** i.e., wine. The Gemara asks: In accordance with **whose** opinion is that mishna?

רַבִּי יְהוֹשֻׁעַ הִיא, דְּאָמַר: דּוּן מִינָּהּ וְאוֹקֵי בְּאַתְרָהּ, וּגְמַר לְהוּ לְבִכּוּרִים מִתְּרוּמָה.

The Gemara answers: **It is** in accordance with the opinion of **Rabbi Yehoshua, who says: Infer from it but interpret** the *halakha* **according to its** own **place.** He derives the *halakha* of liquid that emerges from *teruma* from first fruits only with regard to wine and oil, **and** in the opposite direction, **he derives** the *halakha* **of** liquid that emerges from **first fruits from *teruma*.** Therefore, even with regard to first fruits the status of liquid that emerges from the produce is like that of the produce itself only with regard to wine and oil. But according to the opinion of Rabbi Eliezer, who holds that the *halakha* of liquid that emerges from *teruma* is derived from first fruits even with regard to other types of produce besides grapes and olives, contrary to the statement of that mishna, one may bring beverages extracted from other first fruits besides wine and oil to the Temple.

וְהָא דְּתָנַן: אֵין סוֹפְגִין אֶת הָאַרְבָּעִים מִשּׁוּם עָרְלָה, אֶלָּא עַל הַיּוֹצֵא מִן הַזֵּיתִים וּמִן הָעֲנָבִים מַנִּי?

The Gemara cites **that which we learned** in the same mishna (*Terumot* 11:3): **One incurs the forty** lashes **due to** drinking the juice squeezed from ***orla*,** i.e., the fruit of a tree during the first three years after its planting, **only for that which emerges from the olives or from the grapes.**[H] The Gemara asks: In accordance with **whose** opinion is that mishna?

רַבִּי יְהוֹשֻׁעַ הִיא, דְּאָמַר: דּוּן מִינָּהּ וְאוֹקֵי בְּאַתְרָהּ, וּגְמַר לְהוּ לְבִכּוּרִים מִתְּרוּמָה

The Gemara answers: **It is** in accordance with the opinion of **Rabbi Yehoshua, who says: Infer from it but interpret** the *halakha* **according to its** own **place, and he derives** the *halakha* **of** liquid that emerges from **first fruits from *teruma*.** Therefore, even with regard to first fruits, the status of liquid that emerges from the produce is like that of the produce itself only with regard to wine and oil.

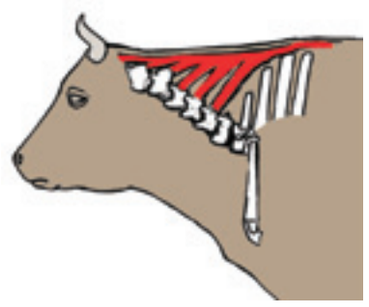
HALAKHA

One incurs the forty lashes due to *orla* only for that which emerges from the olives or from the grapes – אֵין סוֹפְגִין אֶת הָאַרְבָּעִים מִשּׁוּם עָרְלָה אֶלָּא עַל הַיּוֹצֵא מִן הַזֵּיתִים וּמִן הָעֲנָבִים: It is prohibited to consume liquid that is extracted from *orla*, just as it is prohibited to consume the fruit itself. Nevertheless, one incurs forty lashes due to drinking the liquid squeezed from *orla* fruits only in the cases of oil and wine. This ruling is in accordance with the mishna in tractate *Terumot* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 10:22).

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BACKGROUND

Nuchal ligament [*marteka*] – מַרְטָקָא: The term *marteka* refers to the nuchal ligament, a strong band of tissue that aids in holding the head erect. Alternatively, the *Arukh* cites a version of the text with the word *mardeka*. He explains that the term is referring to dead flesh, similar to the Middle Persian word murdag, meaning death.



Bovine nuchal ligament

וַהֲדַר מַיְיתֵי לָהּ לְעָרְלָה, "פְּרִי" "פְּרִי" מִבִּכּוּרִים.

And then he derives the *halakha* **of** liquid that emerges from ***orla* from first fruits** via a verbal analogy between one instance of the word **fruit** and another instance of the word **fruit.**[N] With regard to *orla* the verse states: "And you shall count the fruit thereof as forbidden" (Leviticus 19:23), and with regard to first fruits the verse states: "And you shall take of the first of all the fruit of the ground" (Deuteronomy 26:2). Therefore, just as with regard to first fruits the status of liquid that emerges from the produce is like that of the produce only with regard to grapes and olives, so too with regard to *orla* one receives lashes only for drinking the liquid of grapes and olives, but not for drinking the liquid of other types of produce.

"וְהָאֲלַל". מַאי "אֲלַל"? רַבִּי יוֹחָנָן אָמַר: מַרְטָקָא, וְרֵישׁ לָקִישׁ אָמַר: בָּשָׂר שֶׁפְּלָטָתוֹ סַכִּין.

§ The mishna teaches that **the *alal*** joins together with the flesh to constitute the requisite egg-bulk to impart the impurity of food, despite not being considered food itself. The Gemara asks: To **what** is the term ***alal*** referring? **Rabbi Yoḥanan says:** It is referring to **the nuchal ligament** [***marteka***].[BN] **And Reish Lakish says:** It is referring to the **meat** residue **that** is attached to the hide after **the knife has flayed** the flesh.

מֵיתִיבִי: "וְאוּלָם אַתֶּם טֹפְלֵי שָׁקֶר רֹפְאֵי אֱלִל כֻּלְּכֶם", בְּשִׁלְמָא לְמַאן דְּאָמַר מַרְטָקָא – הַיְינוּ דְּלָאו בַּר רְפוּאָה הוּא, אֶלָּא לְמַאן דְּאָמַר בָּשָׂר שֶׁפְּלָטָתוֹ סַכִּין, בַּר רְפוּאָה הוּא!

The Gemara **raises an objection** to the explanation of Reish Lakish from that which is written: **"But you are plasterers of lies, you are all physicians of no value** [***elil***]" (Job 13:4). The term "no value [*elil*]" stems from the same linguistic root as the word *alal*. **Granted, according to the one who says** that the word *alal* is referring to **the nuchal ligament,** i.e., Rabbi Yoḥanan, **that is** why Job accused his companions of giving advice without merit by making an analogy to a physician who attempts to heal the nuchal ligament, **which cannot be healed. But according to the one who says** that the word *alal* is referring to the **meat** residue **that** is attached to the hide after **the knife has flayed** the flesh, i.e., Reish Lakish, flesh that is hanging from the hide **is able to be healed.**

בָּאֱלִל דִּכְרָא – דִּכְוָלֵי עָלְמָא לָא פְּלִיגִי, כִּי פְּלִיגִי – בָּאֲלַל דְּמַתְנִיתִין.

The Gemara answers: **With regard to** the term ***elil* in the verse, everyone agrees** that it is referring to the nuchal ligament. **When** Rabbi Yoḥanan and Reish Lakish **disagree,** it is **with regard to** the definition of the term ***alal*** employed by the Sages **in the mishna.**

תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: הָאֲלַל הַמְכוּנָּס, אִם יֵשׁ כַּזַּיִת בְּמָקוֹם אֶחָד – חַיָּבִין עָלָיו. וַאֲמַר רַב הוּנָא: וְהוּא שֶׁכְּנָסוֹ.

Come and **hear** a resolution from that which is taught in the mishna: **Rabbi Yehuda says:** With regard to **the *alal* that** was **collected, if there is an olive-bulk** of it **in one place** it imparts the impurity of animal carcasses. Therefore, one who eats it or touches it and then eats consecrated food or enters the Temple **is liable** to receive *karet* **for it. And Rav Huna said:** This *halakha* **is** applicable only **when** a halakhically competent person **collected** the *alal* in one place, but not if the *alal* was collected by a child or without human intervention. By collecting it in one place, the person indicates that he considers it to be food.

NOTES

And then he derives the *halakha* of *orla* from first fruits via a verbal analogy between fruit and fruit – וַהֲדַר מַיְיתֵי לָהּ לְעָרְלָה פְּרִי פְּרִי מִבִּכּוּרִים: According to Rabbi Yehoshua, just as with regard to first fruits the status of liquid that emerges from the produce is like that of the produce, the same is true with regard to *teruma*. Yet, he limits the application of this *halakha* to the liquid of grapes and olives. Rabbi Yehoshua then derives this limitation from *teruma* back to the *halakhot* of first fruits.

The nuchal ligament [*marteka*] – מַרְטָקָא: The early commentaries disagree about the definition of the word *marteka*. Rashi holds that it is referring to a thick, white, hard, and inedible tendon in the neck. *Tosafot* question Rashi's explanation based on the Gemara (*Zevaḥim* 35a) that states that the *marteka* exists in birds even though the tendons in the necks of birds are not thick and hard. Another explanation, suggested by Rabbeinu Ḥananel, is that the word *marteka* is referring to dead flesh that is hard and inedible in an animal.

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בְּשִׁלְמָא לְמַאן דְּאָמַר בָּשָׂר שֶׁפְּלָטָתוֹ סַכִּין – הַיְינוּ דְּכִי אִיכָּא כַּזַּיִת מִיחַיֵּב, אֶלָּא לְמַאן דְּאָמַר מַרְטָקָא – כִּי אִיכָּא כַּזַּיִת מַאי הָווּ? עֵץ בְּעָלְמָא הוּא!

Granted, according to the one who says that the word *alal* is referring to the **meat** residue **that** is attached to the hide after **the knife has flayed** the flesh, i.e., Reish Lakish, **that is** why Rabbi Yehuda says **that one is rendered liable when there is an olive-bulk** of *alal* collected in one place, because the person who collected it considers it to be food. **But according to the one who says** that the word *alal* is referring to **the nuchal ligament,** i.e., Rabbi Yoḥanan, even in a case **when there is an olive-bulk** of *alal* collected in one place, **what of it? It is merely wood,** i.e., it is unfit for consumption.

אַלִּיבָּא דְּרַבִּי יְהוּדָה לָא פְּלִיגִי, כִּי פְּלִיגִי אַלִּיבָּא דְּרַבָּנַן. רַבִּי יוֹחָנָן אָמַר: מַרְטָקָא נַמִּי מִצְטָרֵף, וְרֵישׁ לָקִישׁ אָמַר: דְּוָקָא בָּשָׂר שֶׁפְּלָטָתוֹ סַכִּין, אֲבָל מַרְטָקָא לָא מִצְטָרֵף.

The Gemara answers: **According to** the opinion **of Rabbi Yehuda,** Rabbi Yoḥanan and Reish Lakish **do not disagree;** they agree that the term *alal* is referring to the meat residue attached to the hide after the knife has flayed the flesh. **When they disagree,** it is with regard to the definition of the word alal according to the opinion of the Rabbis. Rabbi Yoḥanan says: The Rabbis maintain that the nuchal ligament also joins together with the meat to constitute the requisite measure of an egg-bulk to impart the impurity of food. And Reish Lakish says: The Rabbis maintain that **specifically** the **meat** residue **that** is attached to the hide after **the knife has flayed** the meat joins together with the flesh, **but the nuchal ligament does not join together.**

הַאי בָּשָׂר שֶׁפְּלָטָתוֹ סַכִּין הֵיכִי דָּמֵי? אִי דְּחָשִׁיב עֲלֵיהּ – אֲפִילּוּ בְּאַנְפֵּי נַפְשֵׁיהּ מִיטַּמָּא! וְאִי דְּלָא חָשִׁיב עֲלֵיהּ – בַּטּוּלֵיהּ בָּטְלֵיהּ!

What are the circumstances of **that** which is taught in the mishna, that the **meat** residue **that** is attached to the hide after **the knife flayed** the flesh joins together with the meat to constitute the measure of an egg-bulk required to impart the impurity of food? **If** it is a case **where one intends** to eat this meat residue, then it **can become impure** not only by joining together with the meat, but **even by itself,** like any other food.[H] **And if** it is a case **where one does not intend** to eat this meat residue, why should it be susceptible to impurity at all? One has completely **nullified** its status as food.

רַבִּי אָבִין וְרַבִּי מְיַישָׁא. חַד אָמַר: מְקָצָתוֹ חִישֵּׁב עָלָיו,

Rabbi Avin and Rabbi Meyasha answered this dilemma. **One said:** It is a case where **one intends** to eat **part of** the meat residue,[H] but it is uncertain which part. Therefore, the meat residue is not susceptible to impurity by itself because it is not entirely considered to be food, but the part that he intends to eat joins together with the meat to constitute the measure of an egg-bulk.

וְחַד אָמַר: מְקָצָתוֹ פְּלָטָתוֹ חַיָּה וּמְקָצָתוֹ פְּלָטָתוֹ סַכִּין.

And one said: It is a case where one does not intend to eat any part of the meat residue. Rather, **an animal severed part of** the meat residue attached to the hide, and therefore that part of the meat residue retains its status as food. **And** the **knife severed part of** the meat residue, and one therefore nullified its status as food with regard to that part. Since it is uncertain which part was severed by a knife and which part by an animal, the meat residue itself is not susceptible to impurity, but the part that was severed by an animal joins together with the meat to constitute the measure of an egg-bulk.

תְּנַן הָתָם: הַחַרְטוֹם וְהַצִּפָּרְנַיִם – מְטַמְּאִין וּמְטַמְּאִין וּמִצְטָרְפִין. חַרְטוֹם – עֵץ בְּעָלְמָא הוּא!

§ The mishna stated that the horns join together with the flesh to constitute the requisite egg-bulk to impart the impurity of food. The Gemara comments that **we learned** in a mishna **elsewhere** (*Teharot* 1:2): **The beak and the talons** of a bird[H] that come into contact with a creeping animal can **become impure, and transmit impurity** to food, **and join together** with the attached flesh to constitute the requisite measure to impart impurity. The Gemara asks: Why does **a beak** join together with the flesh to impart impurity? **It is merely wood,** i.e., it is unfit for consumption.

אָמַר רַבִּי אֶלְעָזָר: בְּחַרְטוֹם תַּחְתּוֹן. תַּחְתּוֹן נַמִּי עֵץ בְּעָלְמָא הוּא! אָמַר רַב פַּפָּא: תַּחְתּוֹן שֶׁל עֶלְיוֹן.

Rabbi Elazar says: The mishna is stated **with regard to the lower** half of the **beak,** i.e., the lower mandible.[B] The Gemara objects: **The lower** mandible **is also merely wood. Rav Pappa says:** The mishna is discussing **the lower** section **of the upper** mandible and is referring to the membrane inside the mouth that is attached to the beak.

HALAKHA

If it is a case where one intends to eat this meat, it can become impure even by itself – אִי דְּחָשִׁיב עֲלֵיהּ אֲפִילּוּ בְּאַנְפֵּי נַפְשֵׁיהּ מִיטַּמָּא: If one intends to eat the meat residue, then it is susceptible to the impurity of food. If one does not intend to eat it, then it is like wood and is not susceptible to impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:3).

One intends to eat part of the meat residue – מְקָצָתוֹ חִישֵּׁב עָלָיו: The meat residue is susceptible to impurity, imparts impurity, and joins together with the meat to constitute the measure of an egg-bulk or the measure of half a *peras*. This is the *halakha* even if one considered part of it to be food and part of it not to be food, or if part was severed by an animal and part was severed by a knife. This ruling is in accordance with the statements of Rabbi Avin and Rabbi Meyasha, who do not disagree but rather state different cases (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 4:4 and *Kesef Mishne* there).

The beak and the talons of a bird – הַחַרְטוֹם וְהַצִּפָּרְנַיִם: In order for the soft tissue sections of the talons and the beak that are subsumed within the flesh to become susceptible to impurity, one must consider them as food and they must be rendered susceptible to impurity through contact with liquid (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:3).

BACKGROUND

Lower and upper mandible – חַרְטוֹם תַּחְתּוֹן וְעֶלְיוֹן:



Underside of a chick's upper mandible

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NOTES

נִבְלַת עוֹף טָהוֹר וכו׳ – The carcass of a kosher bird, etc.: The impurity of the carcass of a kosher bird is different than that of other animal carcasses. Other animal carcasses impart impurity through contact, while the carcass of a kosher bird imparts impurity only to one who consumes it, when the meat enters his throat.

״צִפָּרְנַיִם״ – אָמַר רַבִּי אֶלְעָזָר: מְקוֹם הַמּוּבְלָעִים בַּבָּשָׂר.

Similarly, with regard to the **talons** mentioned in that mishna, **Rabbi Elazar says:** That mishna is not discussing the talons themselves, but rather **the place** at the base of the talon **that is subsumed within the flesh.**

״קַרְנַיִם״ – אָמַר רַב פַּפָּא: בִּמְקוֹם שֶׁחוֹתְכִין וְיוֹצֵא מֵהֶן דָּם.

Similarly, with regard to the **horns** mentioned in the mishna, **Rav Pappa says:** The mishna is not discussing the hard substance of the horn, but rather is referring **to the place** at the base of the horns **where one severs** the horns **and blood flows from them.**

״כֵּיוֹצֵא בּוֹ הַשּׁוֹחֵט בְּהֵמָה״.

§ The mishna teaches: **Similarly,** in the case of **one who slaughters** a non-kosher **animal** for a gentile and the animal is still twitching and comes into contact with a source of impurity, it imparts impurity of food, but does not impart impurity of an animal carcass.

אָמַר רַבִּי אַסִי, שׁוֹנִין: יִשְׂרָאֵל בַּטְּמֵאָה וְגוֹי בַּטְּהוֹרָה – צְרִיכִין מַחֲשָׁבָה וְהֶכְשֵׁר מַיִם מִמָּקוֹם אַחֵר.

Rabbi Asi says: Some Sages **teach** that when **a Jew** slaughters **a non-kosher** animal **or a gentile** slaughters **a kosher** animal,[H] in order for it to be susceptible to impurity of food, it is **necessary** that the **intention** of the one performing the slaughter be that the flesh be designated as food while it is still twitching. **And** furthermore, in order for the animal to be **rendered susceptible** to impurity, it requires contact with **water** or another liquid that renders food susceptible to impurity that comes **from another place.** The blood of this slaughter is not considered a liquid that renders food susceptible to impurity because it flowed from a valid slaughter.

הֶכְשֵׁר לָמָּה לִי? סוֹפוֹ לְטַמֵּא טוּמְאָה חֲמוּרָה, וְכָל שֶׁסּוֹפוֹ לְטַמֵּא טוּמְאָה חֲמוּרָה לָא בָּעֵי הֶכְשֵׁר.

The Gemara asks: **Why do I** need the animal to come in contact with liquid in order for it to be **rendered susceptible** to impurity of food? The flesh of the animal **will eventually become impure** with a more **severe** level of **impurity** when it dies, i.e., impurity of an animal carcass. **And any** food **that will eventually become impure** with a more **severe** level of **impurity does not require** contact with liquid to be **rendered susceptible** to impurity of food.

דְּתָנֵי דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְכִי יֻתַּן מַיִם עַל זֶרַע״ מַה זְּרָעִים שֶׁאֵין סוֹפָן לְטַמֵּא טוּמְאָה חֲמוּרָה צְרִיכִין הֶכְשֵׁר, אַף כָּל שֶׁאֵין סוֹפוֹ לְטַמֵּא טוּמְאָה חֲמוּרָה צָרִיךְ הֶכְשֵׁר.

The Gemara now explains the source of this principle. **As the school of Rabbi Yishmael teaches:** With regard to rendering food susceptible to impurity through contact with liquid, the verse states: "**But if water is put upon the seed,** and any of the carcass falls on it, it is impure for you" (Leviticus 11:38). **Just as seeds, which will never contract** a more **severe** level of **impurity,** because no form of severe impurity applies to foods other than meat, **require** contact with liquid to **render** them **susceptible** to their less severe level of impurity, **so too any** food **that will never contract** a more **severe** level of **impurity requires** contact with liquid to be **rendered susceptible** to impurity of food. By contrast, any food that will become impure with a more severe level of impurity does not require contact with liquid to be rendered susceptible to impurity of food.

וְתַנְיָא, אָמַר רַבִּי יוֹסֵי: מִפְּנֵי מָה אָמְרוּ נִבְלַת עוֹף טָהוֹר צְרִיכָה מַחֲשָׁבָה וְאֵינָהּ צְרִיכָה הֶכְשֵׁר – מִפְּנֵי

And similarly, **it is taught** in a *baraita* that **Rabbi Yosei says: For what** reason **did** the Sages **say** that in order for **the carcass of a kosher bird**[N] to become susceptible to impurity it **requires** that the **intention** of the one performing the slaughter be to designate the animal as food, **but it is not required** for the bird to be **rendered susceptible** to impurity through contact with liquid? The reason is **because**

HALAKHA

יִשְׂרָאֵל בַּטְּמֵאָה וְגוֹי בַּטְּהוֹרָה – A Jew slaughters a non-kosher animal or a gentile slaughters a kosher animal: If a Jew slaughtered a non-kosher animal for a gentile, the animal is susceptible to the impurity of food while it is still twitching. The animal is considered as food because the Jew slaughtered it for the sake of the gentile's consumption. There is no need for the animal to be rendered susceptible to impurity through contact with liquid because it will eventually become impure with a more severe impurity. Similarly, if a gentile slaughtered a kosher animal for a Jew, the animal is susceptible to impurity of food while it is still twitching. There is no need for the meat to be rendered susceptible to impurity through contact with liquid (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:4, and see 2:6).

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שֶׁסּוֹפָהּ לִטַּמֵּא טוּמְאָה חֲמוּרָה!

eventually the carcass of the bird **will impart** a more **severe impurity** when it is in the throat of the person who consumes it. Therefore, it is not necessary for the carcass of a kosher bird to come in contact with liquid in order for it to be susceptible to impurity.

אָמַר חִזְקִיָּה: הוֹאִיל וְיָכוֹל לְגוֹרְרָהּ וּלְהַעֲמִידָהּ עַל פָּחוֹת מִכַּזַּיִת.

Ḥizkiyya says in response: The reason for the opinion of the Sages stated by Rabbi Asi is **since** the slaughterer **is able to chop** the animal into small pieces **and** thereby **establish** the volume of every piece of the animal **as less than an olive-bulk.**[N] In such a scenario, the animal would not be susceptible to impurity. Therefore, it is not certain that the animal will eventually become impure with a more severe impurity.

אָמַר לֵיהּ רַבִּי יִרְמְיָה לְרַבִּי זֵירָא: וּמִי אָמַר חִזְקִיָּה הָכִי? וְהָא אִיתְּמַר, שָׁחַט בָּהּ שְׁנַיִם אוֹ רוֹב שְׁנַיִם וַעֲדַיִין הִיא מְפַרְכֶּסֶת. חִזְקִיָּה אָמַר: אֵינָהּ לְאֵבָרִים, רַבִּי יוֹחָנָן אָמַר: יֶשְׁנָהּ לְאֵבָרִים.

Rabbi Yirmeya said to Rabbi Zeira: And did Ḥizkiyya actually **say such** a statement? **But wasn't it stated:** If one **slaughtered** a non-kosher animal in a valid manner by cutting the **two** *simanim*, i.e., the windpipe and the gullet, **or the majority of** the **two** *simanim*, **and** the animal **is still twitching, Ḥizkiyya says: There is no** prohibition against eating the **limbs** from such a twitching animal. Therefore, a gentile, who is prohibited from consuming a limb from a living animal, may consume this animal. **Rabbi Yoḥanan says: There is** a prohibition against eating the **limbs**[N] of such an animal.

חִזְקִיָּה אָמַר אֵינָהּ לְאֵבָרִים – מֵתָה הִיא. רַבִּי יוֹחָנָן אָמַר יֶשְׁנָהּ לְאֵבָרִים – לָאו מֵתָה הִיא!

The Gemara explains the opinions: **Ḥizkiyya says** that **there is no** prohibition against eating the **limbs** of such an animal, as since it was slaughtered in a valid manner **it is** considered **dead. Rabbi Yoḥanan says** that **there is** a prohibition against eating the **limbs** of such an animal, as since it is twitching **it is not** yet **dead.** Therefore, since Ḥizkiyya maintains that a twitching animal is considered dead, it should have the impurity of a carcass, contrary to the opinion of the Sages cited by Rabbi Asi, as well as the mishna.

אָמַר לֵיהּ: יָצְתָה מִכְּלַל חַיָּה, וְלִכְלַל מֵתָה לֹא בָּאת.

Rabbi Zeira **said to** Rabbi Yirmeya in response: Ḥizkiyya maintains that such an animal has **left the category of a living** animal, **but has not entered the category of a dead** animal. Therefore, it is not prohibited for a gentile to consume such an animal, but the animal does not have the impurity of a carcass.

גּוּפָא, שָׁחַט בָּהּ שְׁנַיִם אוֹ רוֹב שְׁנַיִם וַעֲדַיִין הִיא מְפַרְכֶּסֶת. חִזְקִיָּה אָמַר: אֵינָהּ לְאֵבָרִים. רַבִּי יוֹחָנָן אָמַר: יֶשְׁנָהּ לְאֵבָרִים. אֲמַר רַבִּי אֶלְעָזָר: נְקוֹט לְהָא דְּרַבִּי יוֹחָנָן בִּידָךְ, דְּתָנֵי רַב אוֹשַׁעְיָא כְּוָותֵיהּ.

§The Gemara discusses **the** matter **itself** of the dispute between Ḥizkiyya and Rabbi Yoḥanan: If one **slaughtered** a non-kosher animal by cutting the **two** *simanim*, **or the majority of** the **two** *simanim*, **and** the animal **is still twitching, Ḥizkiyya says: There is no** prohibition against eating its **limbs. Rabbi Yoḥanan says: There is** a prohibition against eating its **limbs. Rabbi Elazar said: Take that** opinion **of Rabbi Yoḥanan in your hand** and accept it, **as Rav Oshaya teaches** a *baraita* **in accordance with his** opinion.

NOTES

And establish the volume as less than an olive-bulk – וּלְהַעֲמִידָהּ עַל פָּחוֹת מִכַּזַּיִת: *Tosafot* raise the following question: The *halakha* states that small pieces of flesh of a carcass join together to constitute the requisite measure to impart the impurity of carcasses. If so, even when one cuts up the flesh of the animal into small pieces each measuring less than an olive-bulk, the pieces join together. Therefore, the animal will still ultimately impart the more severe impurity of carcasses. *Tosafot* answer that pieces of flesh of a carcass join together to impart the impurity of carcasses in a case where that impurity already took effect before the pieces were cut. In a case where the pieces were cut before the impurity took effect, then the pieces of flesh do not join together to impart the impurity of carcasses.

Ḥizkiya says: There is no prohibition against eating the limbs; Rabbi Yoḥanan says: There is a prohibition against eating the limbs – חִזְקִיָּה אָמַר אֵינָהּ לְאֵבָרִים, רַבִּי יוֹחָנָן אָמַר יֶשְׁנָהּ לְאֵבָרִים: Some later commentaries maintain that Rabbi Yoḥanan and Ḥizkiyya disagree only with regard to the case of a twitching animal after a valid slaughter, either in the case of a non-kosher animal slaughtered by a Jew or a kosher animal slaughtered by a gentile. But everyone agrees that a twitching animal following an invalid slaughter is subject to the prohibition of a limb from a living animal (Rabbi Akiva Eiger; Rashash). By contrast, others maintain that Rabbi Yoḥanan and Ḥizkiyya disagree with regard to any twitching animal, including one twitching after an invalid slaughter. According to this understanding, Rabbi Yoḥanan and Ḥizkiyya's dispute relates to whether a twitching animal is considered dead or alive (*Ḥazon Ish*).

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דְּתָנֵי רַב אוֹשַׁעְיָא: יִשְׂרָאֵל שֶׁשָּׁחַט בְּהֵמָה טְמֵאָה לְגוֹי, שָׁחַט בָּהּ שְׁנַיִם אוֹ רוֹב שְׁנַיִם וּמְפַרְכֶּסֶת – מְטַמְּאָה טוּמְאַת אוֹכָלִין, אֲבָל לֹא טוּמְאַת נְבֵלוֹת.

As Rav Oshaya teaches (*Tosefta*, *Oholot* 2:1): In the case of **a Jew who slaughtered a non-kosher animal for** the consumption of **a gentile,** if **he slaughtered** it by cutting **two** *simanim* **or the majority of two** *simanim*, **and** the animal is still **twitching,**[H] the animal **imparts impurity of food; but** so long as it is twitching it does **not** impart **the impurity of** animal **carcasses.**

אֵבֶר הַפּוֹרֵשׁ מִמֶּנָּה – כִּפּוֹרֵשׁ מִן הַחַי, וּבָשָׂר הַפּוֹרֵשׁ מִמֶּנָּה – כִּבְשָׂר הַפּוֹרֵשׁ מִן הַחַי, וְאָסוּר לִבְנֵי נֹחַ, וַאֲפִילּוּ לְאַחַר שֶׁתֵּצֵא נַפְשָׁהּ.

A limb that separates from this twitching animal is considered **like** a limb that **separates from a living** animal, and as such it imparts the impurity of a carcass. **And flesh that separates from** this twitching animal is considered **like flesh that separates from a living** animal, and as such it does not impart impurity. **And it is prohibited for the descendants of Noah** to consume the flesh that separates from this twitching animal, **and** this prohibition applies **even after its soul departs.** This ruling of Rav Oshaya is in accordance with the opinion of Rabbi Yoḥanan.

שָׁחַט בָּהּ אֶחָד אוֹ רוֹב אֶחָד – אֵינָהּ מְטַמְּאָה טוּמְאַת אוֹכָלִין, נֶחֱרָה – אֵין בָּהּ טוּמְאָה שֶׁל כְּלוּם.

The Gemara cites the continuation of the *Tosefta*: In the case where a Jew slaughtered a non-kosher animal for a gentile's consumption, if **he slaughtered** it by cutting only **one** *siman* **or the majority of one** *siman*,[H] and the animal is still twitching, the animal **does not impart the impurity of food** because the slaughter was invalid. Similarly, if he did not perform a valid slaughter but rather **stabbed** the animal, the animal **has no impurity whatsoever** while it is still twitching.

וְגוֹי שֶׁשָּׁחַט בְּהֵמָה טְהוֹרָה לְיִשְׂרָאֵל וּמְפַרְכֶּסֶת – מְטַמְּאָה טוּמְאַת אוֹכָלִין, אֲבָל לֹא טוּמְאַת נְבֵלָה.

And similarly, in the case of **a gentile who slaughtered a kosher animal for** the consumption of **a Jew, and** the animal **is** still **twitching,**[H] the animal **imparts the impurity of food** because it is considered to be food, **but** so long as it is twitching it does **not** impart **the impurity of an animal carcass.**

אֵבֶר הַפּוֹרֵשׁ מִמֶּנָּה – כִּפּוֹרֵשׁ מִן הַחַי, וּבָשָׂר הַפּוֹרֵשׁ מִמֶּנָּה – כִּפּוֹרֵשׁ מִן הַחַי. וְאָסוּר לִבְנֵי נֹחַ, וַאֲפִילּוּ לְאַחַר שֶׁתֵּצֵא נַפְשָׁהּ.

A limb that separates from this twitching animal is considered **like** a limb that **separates from a living** animal, and as such it imparts the impurity of a carcass. **And flesh that separates from** this twitching animal is considered **like** flesh that **separates from a living** animal, and as such it does not impart the impurity of food. **And it is prohibited for the descendants of Noah** to consume the flesh that separates from this twitching animal, **and** this prohibition applies **even after its soul departs.**

שָׁחַט בָּהּ אֶחָד אוֹ רוֹב אֶחָד – אֵינָהּ מְטַמְּאָה טוּמְאַת אוֹכָלִין. נֶחֱרָה – אֵין בָּהּ טוּמְאָה שֶׁל כְּלוּם.

If the gentile **slaughtered** the kosher animal by cutting only **one** *siman* **or the majority of one** *siman*, and the animal is still twitching, the animal **does not impart impurity of food** because the slaughter was not valid. Similarly, if he **stabbed** the animal rather than slaughtering it properly, **it has no impurity whatsoever.**

HALAKHA

A Jew who slaughtered a non-kosher animal for a gentile… and the animal is still twitching – יִשְׂרָאֵל שֶׁשָּׁחַט בְּהֵמָה טְמֵאָה לְגוֹי...וּמְפַרְכֶּסֶת: If a Jew slaughtered a non-kosher animal for a gentile's consumption in a valid manner by cutting two *simanim* or the majority of two *simanim*, and the animal is still twitching, the animal is susceptible to the impurity of food (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:4, and see 2:6).

If he slaughtered it by cutting only one *siman* or the majority of one *siman*, etc. – שָׁחַט בָּהּ אֶחָד אוֹ רוֹב אֶחָד וכו': If a Jew slaughtered a non-kosher animal for a gentile's consumption by cutting only one *siman* or the majority of one *siman*, and the animal is still twitching, the animal is not susceptible to the impurity of food because the slaughter was invalid. Similarly, if he did not slaughter the animal but rather stabbed the animal, there is no impurity with regard to the animal (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:4, and see Ra'avad and *Kesef Mishne* there).

A gentile who slaughtered a kosher animal for the consumption of a Jew, and the animal is still twitching – גּוֹי שֶׁשָּׁחַט בְּהֵמָה טְהוֹרָה לְיִשְׂרָאֵל וּמְפַרְכֶּסֶת: If a gentile slaughtered a kosher animal for a Jew's consumption in a valid manner by cutting two *simanim* or the majority of two *simanim*, and the animal is still twitching, the animal is susceptible to impurity of food. If the gentile slaughtered the kosher animal by cutting only one *siman* or the majority of one *siman*, or if he stabbed the animal, and the animal is still twitching, the animal is not susceptible to impurity of food (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:4).

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שָׁחַט גּוֹי בְּמָקוֹם שֶׁאֵין עוֹשֶׂה אוֹתָהּ טְרֵפָה, וּבָא יִשְׂרָאֵל וּגְמָרָהּ – כְּשֵׁרָה.

If **a gentile** partially **slaughtered** a kosher animal **in a place that does not render** the animal **a *tereifa*,** i.e., unfit for consumption due to a mortal wound, e.g., he cut half of the windpipe, **and** then **a Jew came and completed** the slaughter,[H] the animal is **fit** for consumption.

שָׁחַט יִשְׂרָאֵל, בֵּין בְּמָקוֹם שֶׁעוֹשֶׂה אוֹתָהּ טְרֵפָה וּבֵין בְּמָקוֹם שֶׁאֵין עוֹשֶׂה אוֹתָהּ טְרֵפָה, וּבָא גּוֹי וְגָמַר – שְׁחִיטָתוֹ פְּסוּלָה.

But if **a Jew slaughtered** the animal, **either in a place that renders** the animal **a *tereifa,*** e.g., he cut the majority of the windpipe, **or in a place that does not render** the animal **a *tereifa,*** e.g., he only partially cut the windpipe, **and** then **a gentile came and completed** the slaughter, **his slaughter is not valid.**

הָרוֹצֶה שֶׁיֹּאכַל מִבְּהֵמָה קוֹדֶם שֶׁתֵּצֵא נַפְשָׁהּ – חוֹתֵךְ כַּזַּיִת בָּשָׂר מִבֵּית שְׁחִיטָתָהּ, וּמוֹלְחוֹ יָפֶה יָפֶה וּמַדִּיחוֹ יָפֶה יָפֶה, וּמַמְתִּין לָהּ עַד שֶׁתֵּצֵא נַפְשָׁהּ, וְאוֹכְלוֹ. אֶחָד גּוֹי וְאֶחָד יִשְׂרָאֵל מוּתָּרִין בּוֹ.

The *baraita* continues: **One who wishes to eat from** the meat of a slaughtered **animal before its soul departs**[H] **may cut an olive-bulk of meat from the area of its slaughter,** the neck, **and salt it very well,** i.e., more than is normally required, **and rinse it very well** in water to remove the salt and blood, **and** then **wait until** the animal's **soul departs, and** then **eat it.**[N] **Both a gentile and a Jew are permitted to** eat **it** because the prohibition against eating a limb from a living animal is not applicable in such a case.

מְסַיַּיע לֵיהּ לְרַב אִידִי בַּר אָבִין, דְּאָמַר רַב אִידִי בַּר אָבִין אָמַר רַב יִצְחָק בַּר אָשְׁיָן: הָרוֹצֶה שֶׁיִּבְרִיא – חוֹתֵךְ כַּזַּיִת בָּשָׂר מִבֵּית שְׁחִיטָתָהּ, וּמוֹלְחוֹ יָפֶה יָפֶה וּמַדִּיחוֹ יָפֶה יָפֶה, וּמַמְתִּין לָהּ עַד שֶׁתֵּצֵא נַפְשָׁהּ, אֶחָד גּוֹי וְאֶחָד יִשְׂרָאֵל מוּתָּרִים בּוֹ.

The Gemara notes: This *baraita* **supports** the opinion of **Rav Idi bar Avin, as Rav Idi bar Avin said** that **Rav Yitzḥak bar Ashyan said: One who wants to be healthy should cut an olive-bulk of meat from the area of the slaughter, and salt it very well and rinse it very well, and** then **wait until** the animal's **soul departs,** and then **both a gentile and a Jew are permitted to** eat **it.**

בָּעֵי רַבִּי אֶלְעָזָר: שָׁהָה בָּהּ, דָּרַס בָּהּ, מַהוּ?

§It was previously taught in the *baraita* that if a Jew slaughtered a non-kosher animal for a gentile's consumption, or a gentile slaughtered a kosher animal for a Jew's consumption, that animal imparts impurity of food when it is twitching after the slaughter. With regard to that *halakha*, **Rabbi Elazar raises a dilemma: What is** the *halakha* in such a case if **one interrupted** the slaughter or **pressed** on the knife during the slaughter? Do these acts, which normally invalidate slaughter, also invalidate this slaughter, or does the slaughter in this case not have to fulfill all of the halakhic requirements of valid slaughter in order to render the slaughtered animal as food with regard to imparting the impurity of food?

אֲמַר לֵיהּ הַהוּא סָבָא: הָכִי אֲמַר רַבִּי יוֹחָנָן, צְרִיכָה הֶכְשֵׁר שְׁחִיטָה כִּבְהֵמָה טְהוֹרָה. הֶכְשֵׁר לְמַאי? אֲמַר רַב שְׁמוּאֵל בַּר יִצְחָק: בְּדִיקַת סַכִּין.

A certain elder resolved this dilemma and **said to him: Rabbi Yoḥanan said as follows:** This case **requires a valid slaughter** in every detail, **just like** a Jew slaughtering **a kosher animal.** The Gemara clarifies: **To what** requirement does **valid** slaughter just like a kosher animal refer? **Rav Shmuel bar Yitzḥak said:** It is referring to the requirement of **examining the knife** before the slaughter.

בָּעָא מִינֵּיהּ רַבִּי זֵירָא מֵרַב שֵׁשֶׁת: מַהוּ שֶׁתַּצִּיל עַל הַבְּלוּעִין שֶׁבְּתוֹכָהּ?

Rabbi Zeira asked Rav Sheshet: If a non-kosher animal slaughtered by a Jew is twitching under the same roof as a corpse, and the animal swallowed items before being slaughtered, **what is** the *halakha* **with regard to** those swallowed items that are inside the animal? Is the animal considered to be living and therefore **it should save** these items **that are swallowed inside it** from the impurity transmitted by the corpse to all items under the same roof? Or is the animal considered to be dead and therefore the items become impure?

NOTES

And then wait until the animal's soul departs and then eat it – וּמַמְתִּין לָהּ עַד שֶׁתֵּצֵא נַפְשָׁהּ וְאוֹכְלוֹ: Even after the slaughter is performed, it is prohibited to consume the flesh until the animal's soul departs, as it is stated (Leviticus 19:26): "You shall not eat with the blood" (see *Sanhedrin* 63a).

HALAKHA

If a gentile slaughtered in a place that does not render the animal a *tereifa*, and a Jew came and completed the slaughter – שָׁחַט גּוֹי בְּמָקוֹם שֶׁאֵין עוֹשֶׂה אוֹתָהּ טְרֵפָה וּבָא יִשְׂרָאֵל וּגְמָרָהּ: If a gentile slaughtered a kosher animal in a place that does not render the animal a *tereifa*, e.g., he cut half of the windpipe, and then a Jew came and completed the slaughter, the animal is fit for consumption because a Jew performed the slaughter. If a Jew began the slaughter by cutting half of the windpipe and then a gentile completes the slaughter, or if a gentile began the slaughter by cutting the majority of the windpipe, the animal is not fit for consumption (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 4:13; *Shulḥan Arukh*, *Yoreh De'a* 2:10).

One who wishes to eat from a slaughtered animal before its soul departs – הָרוֹצֶה שֶׁיֹּאכַל מִבְּהֵמָה קוֹדֶם שֶׁתֵּצֵא נַפְשָׁהּ: If one cuts an olive-bulk of meat from the area of the slaughter of the animal and salts it very well and rinses it very well in water to remove the salt and blood, and then waits until the animal's soul departs, both a gentile and a Jew are permitted to eat it (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 1:2; *Shulḥan Arukh*, *Yoreh De'a* 27:1).

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אֲמַר לֵיהּ: מְטַמְּאָה טוּמְאַת אוֹכָלִין, וּמַצָּלַת? אֲמַר לֵיהּ: אֵינָהּ מְטַמְּאָה טוּמְאַת נְבֵלוֹת, וְלֹא תַּצִּיל?

Rav Sheshet said to Rabbi Zeira: Since it is established that such an animal is considered to be dead and **imparts impurity of food,** is it possible that it **saves** those items inside it from impurity? Certainly it does not. Rabbi Zeira **said to him** in response: It is also established that such an animal **does not impart impurity of carcasses and** is considered to be a living animal in that regard. How is it possible that the animal **does not save** those items inside it from impurity?

אֲמַר אַבַּיֵי: אֵינָהּ מַצָּלַת עַל הַבְּלוּעִים שֶׁבְּתוֹכָהּ – דְּהָא מְטַמְּאָה טוּמְאַת אוֹכָלִין, וְהָרוֹבְעָהּ חַיָּיב – דְּהָא אֵינָהּ מְטַמְּאָה טוּמְאַת נְבֵלָה.

Abaye resolved the dilemma and **said:** It is proper to treat this case stringently. Therefore, such an animal **does not save** the items **that are swallowed inside it**[HN] **because it imparts impurity of food. But one who engages in bestiality with** such an animal **is liable**[H] **because** the animal **does not impart impurity of a carcass** and is considered to be living in that regard.

§ "רַבִּי יְהוּדָה אוֹמֵר הָאֲלָלִין" [וכו']. אָמַר רַב הוּנָא: וְהוּא שֶׁכְּנָסוֹ.

§ The mishna teaches that **Rabbi Yehuda says:** With regard to **the meat residue** attached to the hide after flaying that was collected, if there is an olive-bulk of it in one place it imparts impurity of an animal carcass, and one who contracts impurity from it and eats consecrated foods or enters the Temple is liable to receive *karet* for it. **Rav Huna says** in explanation: This *halakha* **is** applicable only when a halakhically competent person **collected** the meat residue in one place,[H] but not if the meat residue was collected by a child or without human intervention. By collecting it in one place, the person indicates that he considers it to be food.

וְאָמַר רַב הוּנָא: שְׁנֵי חֲצָאֵי זֵיתִים שֶׁשָּׁשְׁנָן עַל גַּבֵּי הָעוֹר – הָעוֹר מְבַטְּלָן.

And Rav Huna says: In a case of **two** pieces of flesh of an animal carcass, each measuring **half an olive**-bulk, **that are** attached **to the hide,**[H] **the hide nullifies them,** as the hide does not impart the impurity of a carcass. Consequently, these pieces do not impart impurity either.

HALAKHA

Does not save the items that are swallowed inside it – אֵינָהּ מַצָּלַת עַל הַבְּלוּעִים שֶׁבְּתוֹכָהּ: If one performed a valid slaughter by cutting the majority of one *siman* for a bird or the majority of two *simanim* for an animal, and the animal is still twitching under the same roof as a corpse, the animal does not save items swallowed prior to its slaughter from impurity imparted in a tent, as it is considered to be dead (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 20:3).

One who engages in bestiality with such an animal is liable – הָרוֹבְעָהּ חַיָּיב: One who engages in bestiality with an animal that was slaughtered in a valid manner and is still twitching is liable until the animal stops twitching or its head is severed (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 1:12).

This *halakha* is applicable only when he collected the meat residue in one place – וְהוּא שֶׁכְּנָסוֹ: Disparate pieces of meat residue attached to the hide do not join together to constitute the measure of an olive-bulk unless one collected them together. In that case, the meat residue joins together to constitute the measure of an olive-bulk and imparts impurity (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:8, and see Ra'avad and *Kesef Mishne* there).

Two pieces, each half an olive-bulk, that are attached to the hide – שְׁנֵי חֲצָאֵי זֵיתִים שֶׁשָּׁשְׁנָן עַל גַּבֵּי הָעוֹר: If two pieces of flesh of an animal carcass, each measuring half an olive-bulk, are attached to the hide, the hide nullifies both of these pieces of flesh. Therefore, they do not impart impurity of carcasses either by contact or by carrying, as any carcass that does not impart impurity by contact also does not impart impurity by carrying (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:12).

NOTES

Does not save the items that are swallowed inside it – אֵינָהּ מַצָּלַת עַל הַבְּלוּעִים שֶׁבְּתוֹכָהּ: The early commentaries disagree with regard to the meaning of Abaye's statement. Rashi explains that the dilemma is fundamentally unresolved, and Abaye is saying that such a case of a twitching animal is a case of uncertainty. The *halakha* is therefore decided stringently in all cases, and with regard to the transmission of impurity, the animal is considered dead and the impurity is imparted to the objects inside the animal. By contrast, with regard to bestiality, the animal is considered alive and the perpetrator is liable. Others question this explanation, because if the case of a twitching animal is fundamentally one of uncertainty, the perpetrator of bestiality should not be liable but instead exempt due to the uncertainty. *Tosafot* therefore suggest another explanation: Abaye is stating that the twitching animal is considered living, and therefore the perpetrator of bestiality is liable. But since the animal is considered food it does not save those items inside it from becoming impure. Some early commentaries explain that according to Rashi, Abaye does not hold that a twitching animal is fundamentally a case of uncertainty. Rather, Abaye holds that a twitching animal is considered living, and therefore one who commits bestiality with such an animal is liable. Nevertheless, the status of a twitching animal is uncertain with regard to imparting impurity because the animal imparts impurity of food but not impurity of carcasses. Therefore, Abaye states that with regard to the transmission of impurity a twitching animal is an uncertain case, and, as such, it is treated stringently (see *Tosefot HaRosh* and *Kehillot Ya'akov*).

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אַלִּיבָּא דְּמַאן?

The Gemara asks: **In accordance with whose** opinion is the statement of Rav Huna? It is taught in the mishna (124a) that in a case where the hide of an unslaughtered carcass was attached to two half olive-bulks of flesh, Rabbi Yishmael says that the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh, because one touches them separately whereas one carries them together. Rabbi Akiva says: One contracts impurity neither by means of contact with the hide nor by means of carrying it.

אִי אַלִּיבָּא דְּרַבִּי יִשְׁמָעֵאל – הָאָמַר לֹא מְבַטֵּל עוֹר! וְאִי אַלִּיבָּא דְּרַבִּי עֲקִיבָא – פְּשִׁיטָא, הָאָמַר מְבַטֵּל עוֹר!

If one maintains that Rav Huna's statement is **in accordance with** the opinion **of Rabbi Yishmael, didn't** Rabbi Yishmael **say** that the **hide does not nullify** the attached flesh and therefore the one who carries it becomes impure with the impurity of a carcass? **And if** one maintains that Rav Huna's statement is **in accordance with** the opinion **of Rabbi Akiva,** then it is **obvious,** as **didn't** Rabbi Akiva **say** that **the hide nullifies** the flesh and therefore one who carries it does not become impure?

לְעוֹלָם אַלִּיבָּא דְּרַבִּי יִשְׁמָעֵאל, וְכִי אֲמַר רַבִּי יִשְׁמָעֵאל לֹא מְבַטֵּל עוֹר – הָנֵי מִילֵּי שֶׁפְּלָטָתוֹ חַיָּה, אֲבָל פְּלָטָתוֹ סַכִּין – בָּטֵיל.

The Gemara answers: **Actually,** the statement of Rav Huna is **in accordance with** the opinion **of Rabbi Yishmael. And when Rabbi Yishmael said** that **the hide does not nullify** the flesh, **that statement** applies to a case **where an animal severed** the hide. **But** in a case where a person used **a knife** to **flay** the hide, the hide **nullifies** the attached flesh.

תָּא שְׁמַע, רַבִּי יְהוּדָה אוֹמֵר: הָאֲכָלִל הַמְכוּנָּס, אִם יֵשׁ כַּזַּיִת בְּמָקוֹם אֶחָד – חַיָּבִין עָלָיו. וְאָמַר רַב הוּנָא: וְהוּא שֶׁכְּנָסוֹ.

The Gemara suggests: **Come** and **hear** a refutation to this explanation of the statement of Rav Huna from that which is taught in the mishna: **Rabbi Yehuda says:** With regard to **the meat residue** attached to the hide after flaying **that was collected, if there is an olive-bulk** of it **in one place** it imparts impurity of an animal carcass, and one who contracts impurity from it and eats consecrated foods or enters the Temple **is liable** to receive *karet* **for it. And Rav Huna says** in explanation of this statement of Rabbi Yehuda: This *halakha* **is** applicable only when a halakhically competent person **collected** the meat residue in one place, but not if the meat residue was collected by a child or without human intervention.

אִי אָמְרַתְּ בִּשְׁלָמָא פְּלָטָתוֹ סַכִּין לְרַבִּי יִשְׁמָעֵאל נַמִּי לָא בָּטֵיל – רַב הוּנָא דַּאֲמַר כְּרַבִּי יִשְׁמָעֵאל.

Since Rav Huna interprets the statement of Rabbi Yehuda as referring to a case where a halakhically competent person collected the pieces of flesh, the mishna must be discussing a case where such a person flayed the hide with a knife in multiple places and then collected the pieces of flesh attached to the hide. Evidently, the hide does not nullify the flesh because if the hide did nullify the flesh, that flesh would not impart the impurity of a carcass even if it were later collected. Therefore, the Gemara challenges: **Granted, if you say** that **according to Rabbi Yishmael, even** in a case where a person used **a knife** to **flay** the hide, the hide **does not nullify** the flesh, accordingly, **Rav Huna said** his statement **in accordance with** the opinion of **Rabbi Yishmael** that a hide flayed by a knife does not nullify the flesh, and therefore the flesh imparts the impurity of a carcass if a person collected the pieces.

אֶלָּא אִי אָמְרַתְּ פְּלָטָתוֹ סַכִּין לְרַבִּי יִשְׁמָעֵאל בָּטֵיל – רַב הוּנָא דַּאֲמַר כְּמַאן?

But if you say that **according to Rabbi Yishmael,** in a case where a person used **a knife** to **flay** the hide, the hide **nullifies** the flesh and therefore the flesh does not impart the impurity of a carcass even if a halakhically competent person collected the pieces, then **in accordance with whose** opinion **did Rav Huna say** that the hide does not nullify the flesh and that the pieces of flesh that one collected impart the impurity of a carcass?

אֶלָּא, לְעוֹלָם פְּלָטָתוֹ סַכִּין לְרַבִּי יִשְׁמָעֵאל לָא בָּטֵיל, וְרַב הוּנָא דַּאֲמַר כְּרַבִּי עֲקִיבָא.

The Gemara responds: **Rather,** it is necessary to explain the opinion of Rabbi Yishmael differently. **Actually, according to Rabbi Yishmael** even a hide **flayed by a knife does not nullify** the attached flesh. **And Rav Huna said** his statement that the hide nullifies attached pieces of flesh **in accordance with** the opinion of **Rabbi Akiva.**

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פְּשִׁיטָא! מַהוּ דְּתֵימָא: כִּי קָאָמַר רַבִּי עֲקִיבָא – הָנֵי מִילֵּי פְּלָטְתּוֹ סַכִּין, אֲבָל פְּלָטְתּוֹ חַיָּה – לָא בָּטֵיל,

The Gemara asks: Isn't it **obvious** that the hide nullifies the flesh according to Rabbi Akiva? Rav Huna's statement is unnecessary. The Gemara answers: Rav Huna's statement is necessary **lest you say: When Rabbi Akiva said** that the hide nullifies the attached pieces of flesh, **that statement** applies only to a case where a person used **a knife** to **flay** the animal. **But** if **an animal severed** the hide, the hide **does not nullify** the flesh.

קָא מַשְׁמַע לָן טַעֲמָא דְּרַבִּי עֲקִיבָא מִפְּנֵי שֶׁהָעוֹר מְבַטֵּלָן, לָא שְׁנָא פְּלַט חַיָּה, וְלָא שְׁנָא פְּלַט סַכִּין. כִּדְקָתָנֵי סֵיפָא: מִפְּנֵי מָה רַבִּי עֲקִיבָא מְטַהֵר בָּעוֹר – מִפְּנֵי שֶׁהָעוֹר מְבַטֵּלָן.

Therefore, Rav Huna **teaches us** that **the reason** for the opinion **of Rabbi Akiva** is **because the hide nullifies** the flesh, and there **is no difference** whether **an animal severed** the hide, **and** there **is no difference** whether a person used **a knife** to **flay** the hide. This statement of Rav Huna is therefore **in accordance with that which the latter clause** of that mishna **teaches: For what** reason **does Rabbi Akiva deem** one ritually **pure in** a case where he moved both half olive-bulks with **the hide?** It is **because the hide** separates between them and **nullifies them.**

מתני׳ אֵלּוּ שֶׁעוֹרוֹתֵיהֶן כִּבְשָׂרָן: עוֹר הָאָדָם, וְעוֹר חֲזִיר שֶׁל יִשּׁוּב. רַבִּי יְהוּדָה אוֹמֵר: אַף עוֹר חֲזִיר הַבָּר.

MISHNA **These** are the entities **whose skin** has the same halakhic status **as their flesh:**[H] **The skin of** a dead **person,** which imparts impurity like his flesh; **and the skin of a domesticated pig,** which is soft and eaten by gentiles, and imparts the impurity of an animal carcass like its flesh. **Rabbi Yehuda says: Even the skin of a wild boar** has the same status.

וְעוֹר חֲטֶרֶת שֶׁל גָּמָל הָרַכָּה, וְעוֹר רֹאשׁ שֶׁל עֵגֶל הָרַךְ, וְעוֹר הַפָּרָסוֹת, וְעוֹר בֵּית הַבּוֹשֶׁת, וְעוֹר הַשָּׁלִיל, וְעוֹר שֶׁל תַּחַת הָאַלְיָה, וְעוֹר הָאֲנָקָה וְהַכֹּחַ וְהַלְּטָאָה וְהַחוֹמֶט. רַבִּי יְהוּדָה אוֹמֵר: הַלְּטָאָה כַּחוֹלְדָּה.

And the halakhic status of the skin of all of the following animals is also like that of their flesh: **The skin of the hump of a young camel** that did not yet toughen; **and the skin of the head of a young calf; and the hide of the hooves; and the skin of the womb; and the skin of** an animal **fetus** in the womb of a slaughtered animal; **and the skin beneath the tail** of a ewe; **and the skin of the gecko** [*anaka*],[NB] **and the desert monitor** [*ko'aḥ*],[B] **and the lizard** [*leta'a*],[B] **and the skink** [*ḥomet*],[B] four of the eight creeping animals that impart ritual impurity after death. **Rabbi Yehuda says:** The halakhic status of the skin of **the lizard** is **like** that of the skin of **the weasel** and is not like that of its flesh.

HALAKHA

These are the entities whose skin has the same halakhic status as their flesh – אֵלּוּ שֶׁעוֹרוֹתֵיהֶן כִּבְשָׂרָן: These are the entities whose skin has the same halakhic status as their flesh: The skin of a dead person, the skin of a domesticated pig, the skin of the hump of a young camel that is still soft due to the fact that it did not yet carry a burden and has not yet reached the appropriate age to carry a burden, the skin of the womb, and the skin of an animal fetus in the womb of a slaughtered animal, the skin beneath the tail of a ewe; and the skin of the gecko, the desert monitor, the lizard, and the skink. The halakhic status of all of these soft skins is like that of the flesh with regard to the prohibition against consumption and the transmission of impurity (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:9 and *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 4:21).

NOTES

The skin of the gecko [*anaka*] – עוֹר הָאֲנָקָה: Rashi explains that the term *anaka* is referring to a hedgehog and that this animal has hair as sharp as needles. The reference to the skin of the *anaka* is referring to these sharp hairs, which people tie around the udders of cows to prevent animals from drinking the milk (see Rashi on *Shabbat* 54b and on *Bava Batra* 4a).

BACKGROUND

***Anaka* – אֲנָקָה:** There are many different opinions with regard to the identity of the *anaka*. The statement of the mishna that their skin has the same status as their flesh indicates that the skin is soft. Accordingly, it would seem that the *anaka* is most likely a type of reptile, as reptiles have soft skin. The name *anaka* seems to indicate that the animal is a type of gecko, a member of the Gekkonidae family, that makes chirping or clicking sounds similar to the sighing or sobbing [*anaḥa*] of a sick person. The Gekkonidae are a family of lizards ranging in size from small to medium that live in hot climates and eat insects. Many species developed special finger pads that enable them to walk along vertical surfaces and even suspend themselves upside down. Other identifications of the *anaka* include the leech and the hedgehog.



Mediterranean house gecko

***Ko'aḥ* – כֹּחַ:** Some identify this animal as the agama. This identification is difficult, as the agama's skin is tough and rough. The identifying factors would seem to indicate that a *ko'aḥ* is a large, flesh-eating lizard from the Varanus family, likely the desert monitor (*Varanus griseus*). The desert monitor is one of the largest types of lizards, measuring 1.5 m long and weighing up to 3 kg. It eats snakes, lizards and small mammals.



Desert monitor

***Leta'a* – לְטָאָה:** The *leta'a* is almost certainly from the Lacertidae family of lizards, a group comprising a number of physically similar species. Fully grown lizards in this family reach up to 25 cm. Their limbs develop to allow them to run quickly. Their skin is rather loose and tends to wrinkle, although not all species in this family share this characteristic; some have skin that adheres tightly to their body.



Small-spotted lizard

***Ḥomet* – חוֹמֶט:** The *ḥomet* is a skink, a reptile similar in appearance to a lizard. Its legs are short and often vestigial. Skinks usually live in the sand, and their skin adheres tightly to their body.



Bridled skink

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וְכוּלָּן שֶׁעִבְּדָן, אוֹ שֶׁהִילֵּךְ בָּהֶן כְּדֵי עֲבוֹדָה – טְהוֹרִין, חוּץ מֵעוֹר הָאָדָם. רַבִּי יוֹחָנָן בֶּן נוּרִי אוֹמֵר: שְׁמוֹנָה שְׁרָצִים יֵשׁ לָהֶן עוֹרוֹת.

And with regard to **all of** these skins, in a case **where one tanned them or** spread them on the ground and **trod upon them for the period of time required for tanning,** they are no longer classified as flesh and are **ritually pure, except for the skin of a person,** which maintains the status of flesh. **Rabbi Yoḥanan ben Nuri says:** All **eight creeping animals**[N] enumerated in the Torah **have skins** whose halakhic status is not that of flesh.

גמ׳ אָמַר עוּלָּא: דְּבַר תּוֹרָה עוֹר אָדָם טָהוֹר, וּמַה טַּעַם אָמְרוּ טָמֵא – גְּזֵירָה שָׁמָּא יַעֲשֶׂה אָדָם עוֹרוֹת אָבִיו וְאִמּוֹ שְׁטִיחִין.

GEMARA The first clause of the mishna teaches that the skin of a dead person imparts impurity like his flesh. With regard to this, **Ulla says: The skin of** a dead **person is pure by Torah law; and what** is the **reason** that the Sages **said** that it is **impure?** It is a rabbinic **decree lest a person fashion mats** from **the skins of his** deceased **father and mother.**[N]

וְאִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא, וְכוּלָּן שֶׁעִבְּדָן אוֹ שֶׁהִילֵּךְ בָּהֶן כְּדֵי עֲבוֹדָה – טְהוֹרִין, חוּץ מֵעוֹר אָדָם. אָמַר עוּלָּא: דְּבַר תּוֹרָה עוֹר אָדָם שֶׁעִבְּדוֹ – טָהוֹר, וּמַה טַּעַם אָמְרוּ טָמֵא – גְּזֵירָה שָׁמָּא יַעֲשֶׂה אָדָם עוֹרוֹת אָבִיו וְאִמּוֹ שְׁטִיחִין.

And there are those who teach this statement of Ulla **with regard to the latter clause** of the mishna: **And** with regard to **all of** these skins, in a case **where one tanned them or** spread them on the ground and **trod upon them for the period of time required for tanning,** they are no longer classified as flesh and are **ritually pure, except for the skin of a person,** which maintains the status of flesh. With regard to that clause, **Ulla says: The skin of** a dead **person that one tanned is pure by Torah law; and what** is the **reason** that the Sages **said** that it is **impure?** It is a rabbinic **decree lest a person fashion mats** from **the skins of his** deceased **father and mother.**

מַאן דְּמַתְנֵי לָהּ אַרִישָׁא – כָּל שֶׁכֵּן אַסֵּיפָא, וּמַאן דְּמַתְנֵי אַסֵּיפָא, אֲבָל אַרִישָׁא – טוּמְאָה דְּאוֹרַיְיתָא.

The Gemara comments: **The one who teaches** the statement of Ulla that the skin of a corpse is pure by Torah law **with regard to the first clause** of the mishna, which discusses a softer hide that is not tanned, **all the more so** would teach it **with regard to the latter clause** of the mishna. **But the one who teaches** this statement **with regard to the latter clause** of the mishna holds that only the tanned skin of a corpse is pure by Torah law, **but** does not teach it **with regard to the first clause** of the mishna because he holds that the **impurity** of the skin of a corpse that is not tanned is **by Torah law.**[N]

״וְעוֹר חֲזִיר״ [וכו׳]. בְּמַאי קָמִיפַּלְגִי? מָר סָבַר: הַאי אָשְׁוָן וְהַאי רַכִּיךְ, וּמָר סָבַר: הַאי נַמִי רַכִּיךְ.

§ The mishna teaches that according to the first *tanna*, **the skin of** a domesticated **pig** imparts impurity of an animal carcass like its flesh, indicates that the skin of a wild boar does not impart impurity of a carcass. Rabbi Yehuda disagrees and holds that even the skin of a wild boar has the same status as its flesh. The Gemara asks: **With regard to what do** the first *tanna* and Rabbi Yehuda **disagree?** The Gemara answers: One **Sage,** the first *tanna*, **holds** that **this** skin of a wild boar **is tough** and therefore its status is not that of flesh, **but that** skin of a domesticated pig **is soft** and therefore its status is that of flesh. **And** one **Sage,** Rabbi Yehuda, **holds** that **this** skin of a wild boar **is also soft** and therefore its status is that of flesh.

״עוֹר חֲטֹרֶת שֶׁל גָּמָל הָרַכָּה״. וְכַמָּה גָּמָל הָרַכָּה? אָמַר עוּלָּא אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל זְמַן שֶׁלֹּא טָעֲנָה.

§ The mishna teaches that the **skin of the hump of a young camel** that did not yet toughen imparts impurity of a carcass like its flesh. The Gemara asks: **And for how long is a camel** considered **young** and the status of the skin considered like that of the flesh? **Ulla says** that **Rabbi Yehoshua ben Levi says: As long as** the camel **has not carried** a burden.

בָּעֵי רַבִּי יִרְמְיָה: הִגִּיעַ זְמַנָּהּ לִטְעוֹן וְלֹא טָעֲנָה, מַהוּ? בָּעֵי אַבָּיֵי: לֹא הִגִּיעַ זְמַנָּהּ לִטְעוֹן וְטָעֲנָה, מַהוּ? תֵּיקוּ.

Rabbi Yirmeya raises a dilemma: What is the *halakha* with regard to the skin of a camel **whose time,** i.e., age, **to carry** a burden **has arrived, but it has not** yet **carried** one? **Abaye raises a dilemma: What is** the *halakha* with regard to the skin of a camel **whose time to carry** a burden **has not arrived, but it has** nevertheless **carried** one? The Gemara answers: These dilemmas **shall stand** unresolved.

יָתִיב רֵישׁ לָקִישׁ וְקָמִיבָּעְיָא לֵיהּ: כַּמָּה גָּמָל הָרַכָּה? אָמַר לֵיהּ רַבִּי יִשְׁמָעֵאל בַּר אַבָּא, הָכִי אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל זְמַן שֶׁלֹּא טָעֲנָה. אָמַר לֵיהּ: תִּיב לְקִבְלִי.

Reish Lakish sat and raised a dilemma: For **how long is a camel** considered **young? Rabbi Yishmael bar Abba said to him: This is what Rabbi Yehoshua ben Levi said: As long as** the camel **has not carried** a burden. In response to his answer, Reish Lakish honored him and **said to him: Sit opposite me.**

NOTES

Eight creeping animals – שְׁמוֹנָה שְׁרָצִים: There are eight creeping animals that impart impurity when they die, as it is written: "And these are they which are impure for you among the creeping animals that creep upon the earth: The weasel [*ḥoled*], and the mouse [*akhbar*], and the great lizard [*tzav*] after its kinds, and the gecko [*anaka*], and the desert monitor [*ko'aḥ*], and the lizard [*leta'a*], and the skink [*ḥomet*], and the chameleon [*tinshamet*]" (Leviticus 11:29–30). The Sages relate that even Moses had difficulty identifying these eight creeping animals. The Maharsha explains that it is difficult to identify these creeping animals because there are many species that are very similar in appearance to them. Ibn Ezra therefore states that one can identify these creeping animals only by way of tradition.

Lest a person fashion mats from the skins of his deceased father and mother – שָׁמָּא יַעֲשֶׂה אָדָם עוֹרוֹת אָבִיו וְאִמּוֹ שְׁטִיחִין: Rashi explains that such mats were used as upholstery for beds and expensive chairs. Elsewhere, the Gemara says (*Nidda* 55a): Lest a person fashion mats for a donkey from the skins of his deceased father and mother, indicating that the skins were used in a degrading manner. Some early commentaries explain that the intention of this practice was to honor one's parents by keeping their memory alive. There are two prohibitions involved in such a practice: Not burying the dead body and degrading the deceased (Ritva; Ramban). Alternatively, some commentaries explain that this practice was connected to sorcery, and that the use of skins of a close relative provided for a more powerful sorcery (Responsa of the Radbaz). With regard to this rabbinic decree, commentaries ask the following question: Since it is prohibited to derive benefit from a corpse, why is a rabbinic decree necessary to prohibit this practice? One possible answer is that people treat issues of impurity more stringently than other prohibitions (see *Nidda* 55a and *Tosafot* there). Another explanation is that the skin is not included along with the flesh in the prohibition against deriving benefit from a corpse (*Tosafot* on *Nidda* 55a). Alternatively, fashioning mats from the skin of a corpse is not a normal method of deriving benefit from it (*Mei Nidda*).

But with regard to the first clause he holds that the impurity is by Torah law – אֲבָל אַרִישָׁא טוּמְאָה דְּאוֹרַיְיתָא: The Rambam and the later authorities rule that the skin of a corpse imparts impurity by Torah law, but once the skin begins the tanning process it is pure by Torah law (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:11). Based on this ruling, *Iggerot Moshe* rules that the flesh of a corpse that one nullified is also pure by Torah law. Therefore, it is permitted for a priest to receive a skin or flesh transplant from a corpse, and there is no prohibition against contact with the impurity imparted by a corpse.

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יְתִיב רַבִּי זֵירָא וְקָמִיבָּעְיָא לֵיהּ: כַּמָּה גָּמָל הָרַכָּה? אֲמַר לֵיהּ רָבִין בַּר חִינָּנָא, הָכִי אֲמַר עוּלָּא אֲמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: כָּל זְמַן שֶׁלֹּא טָעֲנָה. הֲוָה קָתָנֵי לָהּ. אֲמַר לֵיהּ: חֲדָא הָוְיָא לָךְ אֲמָרַתְּ.

Rabbi Zeira sat and raised a dilemma: For **how long is a camel** considered **young? Ravin bar Ḥinnana said to him: This is what Ulla said** that **Rabbi Yehoshua ben Levi said: As long as** the camel **has not carried** a burden. Ravin bar Ḥinnana then **repeated** his answer[N] to Rabbi Zeira. Rabbi Zeira **said to him: Do you have** only **one** *halakha* to **say,** and that is why you are repeating it?

תָּא חֲזֵי מַה בֵּין תִּקִּיפֵי אַרְעָא דְּיִשְׂרָאֵל לַחֲסִידֵי דְּבָבֶל.

The Gemara points out: **Come** and **see what** the difference is **between the harsh** scholars **of Eretz Yisrael,** such as Reish Lakish, **and the saintly ones of Babylonia,** such as Rabbi Zeira. Although Reish Lakish was known for his harsh nature, he was the one who honored the Sage who resolved his dilemma, whereas Rabbi Zeira responded sharply to the one who taught him this *halakha*.

״וְעוֹר הָרֹאשׁ״ וכו׳. וְכַמָּה עֵגֶל הָרַךְ? עוּלָּא אָמַר: בֶּן שְׁנָתוֹ. רַבִּי יוֹחָנָן אָמַר: כָּל זְמַן שֶׁיּוֹנֵק. אִיבַּעְיָא לְהוּ: הֵיכִי קָאָמַר עוּלָּא, בֶּן שְׁנָתוֹ, וְהוּא שֶׁיּוֹנֵק,

§ The mishna teaches: **And the skin of the head** of a young calf has the same halakhic status as the flesh with regard to impurity. The Gemara asks: **And** for **how long is a calf** considered **young? Ulla says:** It is considered young in **its** first **year of age. Rabbi Yoḥanan says:** For **as long as** the calf is **suckling. A dilemma was raised before** the Sages: With regard to **what** case **is Ulla speaking?** Is he referring to a calf that is in **its** first **year of age and is** still **suckling,**

Perek **IX**
Daf **122** Amud **b**

וַאֲמַר לֵיהּ רַבִּי יוֹחָנָן: כָּל זְמַן שֶׁיּוֹנֵק.

and Rabbi Yoḥanan disagreed with Ulla and **said to him:** A calf is considered young **as long as it is suckling,** even after its first year of age? According to this explanation, Ulla considers a calf to be young only when it is both in its first year and suckling, and Rabbi Yoḥanan considers a calf that is suckling to be young even if it is beyond its first year.

אוֹ דִלְמָא: עוּלָּא בֶּן שְׁנָתוֹ קָאָמַר, בֵּין יוֹנֵק וּבֵין שֶׁאֵינוֹ יוֹנֵק, וַאֲמַר לֵיהּ רַבִּי יוֹחָנָן: בֶּן שְׁנָתוֹ – וְהוּא שֶׁיּוֹנֵק?

Or perhaps, does Ulla say that a calf is considered young if it is in **its** first **year of age, whether it is suckling or whether it is no** longer **suckling, and Rabbi Yoḥanan said to him:** The calf must be in **its** first **year of age and it** must also be **suckling** in order to be considered young?

תָּא שְׁמַע: רַבִּי יוֹחָנָן אָמַר, כָּל זְמַן שֶׁיּוֹנֵק. וְאִם אִיתָא, ״וְהוּא שֶׁיּוֹנֵק״ מִיבָּעֵי לֵיהּ. שְׁמַע מִינָּהּ.

Come and **hear** a resolution to this dilemma: **Rabbi Yoḥanan says:** The calf is considered young **the entire time that it is suckling. And if it is so** that Rabbi Yoḥanan requires a calf to be both in its first year and suckling to be considered young, Rabbi Yoḥanan **should have** said: **And** provided the calf **is suckling,** indicating an additional condition. **Conclude from it** that Rabbi Yoḥanan considers a calf that is suckling to be young even if it is beyond its first year, and that Ulla considers only a calf that is both in its first year and suckling to be young.

בָּעָא מִינֵּיהּ רֵישׁ לָקִישׁ מֵרַבִּי יוֹחָנָן: עוֹר הָרֹאשׁ שֶׁל עֵגֶל הָרַךְ מַהוּ שֶׁיִּטַּמֵּא? אֲמַר לֵיהּ: אֵינוֹ מִטַּמֵּא.

§ The Gemara continues to discuss the skin of the head of a young calf. **Reish Lakish asked Rabbi Yoḥanan: What is** the *halakha* with regard to whether **the skin of the head of a young calf** that is still fit to be eaten **imparts impurity?** Is the status of the skin like that of flesh or not? Rabbi Yoḥanan **said to him: It does not impart impurity.**

אֲמַר לֵיהּ: לִימַּדְתָּנוּ רַבֵּינוּ ״אֵלּוּ שֶׁעוֹרוֹתֵיהֶן כִּבְשָׂרָן, וְעוֹר הָרֹאשׁ שֶׁל עֵגֶל הָרַךְ״! אֲמַר לֵיהּ: אַל תַּקְנִיטֵנִי, בִּלְשׁוֹן יָחִיד אֲנִי שׁוֹנֶה אוֹתָהּ.

Reish Lakish **said to him:** But didn't **you teach us, our teacher,** that it says in the mishna: **These** are the entities **whose skin** has the same halakhic status **as their flesh, and the skin of the head of a young calf** is included among them? Rabbi Yoḥanan **said to** Reish Lakish: **Do not provoke me** by asking such a question. **I teach that** mishna **in the singular,** i.e., that mishna is in accordance with an individual opinion and is contrary to the majority opinion. Therefore, the *halakha* is not in accordance with it.

NOTES

Ravin bar Ḥinnana repeated his answer – הֲוָה קָתָנֵי לָהּ: The Ya'avetz explains that Ravin bar Ḥinnana saw that Rabbi Zeira did not afford him the same honor for his answer as Reish Lakish afforded Rabbi Yishmael bar Abba. Therefore, Ravin bar Ḥanina assumed that Rabbi Zeira had not heard him and repeated his answer.

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דְּתַנְיָא: הַשּׁוֹחֵט אֶת הָעוֹלָה לְהַקְטִיר כַּזַּיִת מֵעוֹר שֶׁתַּחַת הָאַלְיָה, חוּץ לִמְקוֹמוֹ – פָּסוּל וְאֵין בּוֹ כָּרֵת, חוּץ לִזְמַנּוֹ – פִּיגּוּל וְחַיָּיבִין עָלָיו כָּרֵת.

As it is taught in a *baraita*: **One who slaughters a burnt offering**[N] with the intention **to burn an olive-bulk of the skin beneath the tail outside its** designated **area,** i.e., outside the Temple courtyard, renders the offering **unfit, but there is no** liability for ***karet*** for one who partakes of the offering. If he intended to burn it **beyond its** designated **time,** i.e., not on that day, then it is rendered ***piggul*, and one is liable** to receive ***karet* for** partaking of **it.** Since this particular area of the skin is soft, its status is therefore like that of flesh. This is the opinion of the Rabbis.

אֶלְעָזָר בֶּן יְהוּדָה אִישׁ אֲבֶלּוֹם אוֹמֵר מִשּׁוּם רַבִּי יַעֲקֹב, וְכֵן הָיָה רַבִּי שִׁמְעוֹן בֶּן יְהוּדָה אִישׁ כְּפַר עִיכּוֹם אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן: אֶחָד עוֹר פְּרָסוֹת, וְאֶחָד עוֹר הָרֹאשׁ שֶׁל עֵגֶל הָרַךְ, וְאֶחָד עוֹר שֶׁל תַּחַת הָאַלְיָה, וְכָל שֶׁמָּנוּ חֲכָמִים גַּבֵּי טוּמְאָה שֶׁעוֹרוֹתֵיהֶן כִּבְשָׂרָן, לְהָבִיא עוֹר שֶׁל בֵּית הַבּוֹשֶׁת,

Elazar ben Yehuda of Aveilum[B] **says in the name of Rabbi Ya'akov, and so Rabbi Shimon ben Yehuda of Kefar Ikom**[B] **says in the name of Rabbi Shimon:** This *halakha* applies **both** to **the hide of the hooves, and the skin of the head of a young calf, and the skin beneath the tail, and all** of the entities **that the Sages listed with regard to ritual impurity** that the halakhic status of **their skin is like that of their flesh, including the skin of the womb.**[N]

חוּץ לִמְקוֹמוֹ – פָּסוּל וְאֵין בּוֹ כָּרֵת, חוּץ לִזְמַנּוֹ – פִּיגּוּל וְחַיָּיבִין עָלָיו כָּרֵת.

Therefore, one who sacrifices a burnt offering with the intention to burn an olive-bulk of any of these skins **outside its** designated **area** renders the offering **unfit, but there is no** liability for ***karet*** for one who partakes of the offering. If he intended to burn it **beyond its** designated **time,** then it is rendered ***piggul*, and one is liable** to receive ***karet* for** eating **it.** Therefore, the mishna is in accordance with the individual opinion of Elazar ben Yehuda, who holds that all of the skins listed in the mishna have the status of flesh, and not in accordance with the Rabbis' opinion that only the skin beneath the tail has the status of flesh.

״וְעוֹר בֵּית הַפְּרָסוֹת״. מַאי ״בֵּית הַפְּרָסוֹת״? רַב אָמַר: בֵּית הַפְּרָסוֹת מַמָּשׁ. רַבִּי חֲנִינָא אָמַר: רְכוּבָה הַנִּמְכֶּרֶת עִם הָרֹאשׁ.

§ The mishna teaches: **And the hide of the hooves**[B] has the status of flesh with regard to imparting impurity. The Gemara asks: To **what** is **the** term **hooves** referring? **Rav says:** It is **literally** referring to **the hooves. Rabbi Ḥanina says:** It is referring to the skin of the section of **the knee** at the top of the lower bone, **which is sold with the head.** This skin of the knee, and of the lower bone attached to it, has the status of flesh.

״וְעוֹר הָאֲנָקָה״. תָּנוּ רַבָּנַן: ״הַטְּמֵאִים״ – לְרַבּוֹת עוֹרוֹתֵיהֶן כִּבְשָׂרָן.

§ The mishna teaches: **And** the halakhic status of **the skin of the gecko,** and the desert monitor, and the lizard, and the skink, four of the eight creeping animals that impart ritual impurity after death, is like that of their flesh with regard to imparting impurity. **The Sages taught** in a *baraita*: It is written: "And these are they which are impure for you among the creeping animals that creep upon the earth: The weasel, and the mouse, and the great lizard after its kinds. And the gecko, and the desert monitor, and the lizard, and the skink, and the chameleon. These are **they which are impure** for you among all that swarm; whosoever touches them, when they are dead, shall be impure until the evening" (Leviticus 11:29–32). The term "they which are" in the expression "they which are impure" seems superfluous, and serves **to include the skins of** these animals as having the same halakhic status **as their flesh.**

יָכוֹל אֲפִילּוּ כּוּלָּן – תַּלְמוּד לוֹמַר ״אֵלֶּה״.

One **might** have thought that this *halakha* applies **even** to **all** of the creeping animals listed in the verses. Therefore, **the verse states: "These,"** indicating that this *halakha* applies only to these animals mentioned in the mishna, i.e., the gecko, the desert monitor, the lizard, and the skink.

BACKGROUND

Aveilum – אֲבֶלּוֹם: Aveilum was a town in Eretz Yisrael, which is sometimes referred to as Avalin, Aveilin, Avulin and Ha'uvlin. The Arab village Avlin derives its name from this ancient Jewish settlement. Aveilum was an important town due to its location along the trade route from Egypt to Damascus and Babylon, and a military fortress was built in the town to protect the trade route. The town was the home of the *tanna'im* Rabbi Elazar ben Yehuda and Rabbi Yosef ben Pereida. Nowadays, the town is home to the ruins of a synagogue from the talmudic period with Aramaic writing on the lintel.



Location of Aveilum and Kefar Akko

Kefar Ikom – כְּפַר עִיכּוֹם: This village is identified with the settlement named Kefar Akko, which was located between Sakhni and Yodefet (see map). Despite the geographic distance between Kfar Akko and the city of Akko, it was nevertheless considered to be within the same region, as few Jews inhabited the Galilee at that time. Josephus mentions that this village was one of the fortified areas of the lower Galilee during the great rebellion of 67 BCE. In addition, the Gemara (*Ta'anit* 21a) mentions that Kefar Akko was like a small city in that it would send out five hundred infantrymen, which is perhaps a reference to the number of individuals that were drafted into the army from there. Based on this, it is conjectured that the general population at that time would have numbered around 2,500 people.

Hide of the hooves – עוֹר בֵּית הַפְּרָסוֹת:



Hide of the hooves according to (1) Rav, and (2) Rabbi Ḥanina

NOTES

One who slaughters a burnt offering – הַשּׁוֹחֵט אֶת הָעוֹלָה: One who performs a sacrificial rite with the intention to burn the offering on the altar after its designated time thereby renders the offering *piggul*, and one who partakes of that offering is liable to receive *karet*. One who performs a sacrificial rite with the intention to burn the offering outside the Temple courtyard invalidates the offering, but one who eats of that offering is not liable to receive *karet*. Both of these intentions invalidate the offering only with regard to a part of the animal that is fit to be burned on the altar. The skin, which is distributed to the priests and is not sacrificed on the altar, does not render the offering *piggul* and does not invalidate the offering unless it is soft and considered like flesh.

Including the skin of the womb – לְהָבִיא עוֹר שֶׁל בֵּית הַבּוֹשֶׁת: The skin of the womb is mentioned separately because it is not relevant to all offerings, but only to those brought from female animals.

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BACKGROUND

Rav has the status of a *tanna* – רַב תַּנָּא הוּא: Some commentaries interpret this to mean that Rav is as eminent as one of the *tanna'im*. Consequently, he can even disagree with the statement of a *baraita*. It is likely that the statement means that Rav was actually considered a *tanna*, as there is a tradition attributed to Rav Hai Gaon that three *baraitot* in the Gemara include statements of Rav, referring to him as Rabbi Abba. In practical terms, this statement indicates that one cannot raise an objection to Rav's opinion from any tannaitic source, as he is cited as a *tanna* in *baraitot*. It is well known that the Sages employed this answer only as a last resort. In any case, Rav is also considered an *amora*, because Shmuel and Rabbi Yoḥanan, who are not *tanna'im*, have disputes with him in various cases, and the *halakha* is occasionally decided in accordance with their opinions.

***Mil* – מִיל:** This is a talmudic unit of distance related to, but not identical to, the Roman mile, from which it received its name. One *mil* is equivalent to two thousand cubits. This is equivalent to 960 m according to Rav Ḥayyim Na'e, and 1,150 m according to the *Ḥazon Ish*. Four *mil* is therefore equal to between 3.8 and 4.6 km.

וְהָא ״אֵלֶּה״ אַכּוּלְּהוּ כְּתִיבִי! אָמַר רַב: ״לְמִינֵהוּ״ הִפְסִיק הָעִנְיָן.

The Gemara asks: **But isn't** the term **"these" written with regard to all** eight of the creeping animals listed in the verse? **Rav says:** After mentioning the weasel, the mouse, and the great lizard the verse states: **"After its kinds."** Therefore, the verse **interrupted the** previous **matter** and taught that the status of the skin is like that of the flesh only with regard to the creeping animals mentioned in the latter part of the verse.

וְלִיחְשׁוֹב נַמִּי תִּנְשֶׁמֶת! אָמַר רַב שְׁמוּאֵל בַּר יִצְחָק: רַב תַּנָּא הוּא, וְתָנֵי תִּנְשֶׁמֶת.

The Gemara objects: **But** since the chameleon is listed in the latter part of the verse, **let** the **chameleon also be counted** among the animals whose skin has the status of flesh. **Rav Shmuel bar Yitzḥak said: Rav,** who interprets the verse in this manner, has the status of a ***tanna*,**[B] **and** unlike the mishna, **he teaches** that the skin of the **chameleon** has the status of flesh.

וְהָא תַּנָּא דִּידָן לָא תָּנֵי תִּנְשֶׁמֶת!

The Gemara asks: **But the *tanna* of our** mishna **does not teach** this *halakha* with regard to the **chameleon.** According to his opinion, why doesn't the skin of the chameleon have the status of flesh?

אָמַר רַב שֵׁשֶׁת בְּרֵיהּ דְּרַב אִידִי: תַּנָּא דִּידָן סְבַר לָהּ כְּרַבִּי יְהוּדָה, דְּאָזֵיל בָּתַר גִּישְׁתָּא,

Rav Sheshet, son of Rav Idi, said: The *tanna* of our mishna **holds in accordance with** the opinion of **Rabbi Yehuda that** the halakhic status of the skin of the lizard, even though it is mentioned in the latter part of the verse, is like that of the skin of the weasel and is not like that of its flesh. Rabbi Yehuda does not derive that the status of the skin is like that of flesh from the verse that states: "They which are impure." Rather, he **follows the texture** of the skin of each creeping animal when deciding whether the status of its skin is like that of its flesh.

וּבְגִישְׁתָּא דְּהַהִלְטָאָה קָמִיפַּלְגִי.

The first *tanna* of the mishna and Rabbi Yehuda agree that the texture of the skin of the gecko, the desert monitor, and the skink is soft and therefore the status of their skin is like that of their flesh; **and they disagree with regard to the texture** of the skin **of the lizard.** Rabbi Yehuda classifies its skin as tough, and the first *tanna* of the mishna classifies its skin as soft.

״וְכוּלָּן שֶׁעִיבְּדָן״ [וכו']. הִילֵּךְ – אִין, לָא הִילֵּךְ – לָא. וְהָא תָּנֵי רַבִּי חִיָּיא: אוֹזֶן חֲמוֹר שֶׁטָּלָאָהּ לְקוּפָּתוֹ – טְהוֹרָה. טָלָאָהּ – אַף עַל גַּב דְּלָא הִילֵּךְ!

§The mishna teaches: **And all of these** skins, in a case **where one tanned them** or spread them on the ground and trod upon them, are no longer classified as flesh and are ritually pure. The Gemara objects: The mishna indicates that if one **trod** upon them they **are** no longer classified as flesh, but if one **did not tread** upon them they do **not** cease being classified as flesh. **But doesn't Rabbi Ḥiyya teach: The ear of a donkey that one sewed into his basket is pure**[H] and is no longer classified as flesh. Just as the ear is no longer classified as flesh once it is **sewed** into a basket, so too skin that is spread on the ground, **even if** one **did not tread** upon it, should no longer be classified as flesh.

לָא, טָלָאָהּ. הִילֵּךְ – אִין, לָא הִילֵּךְ – לָא.

The Gemara explains: **No,** this is not difficult. **Sewing** the ear is an action that nullifies the ear's classification as flesh. But spreading skin on the ground is not an action that nullifies the skin's classification as flesh unless one trod upon the skin. Therefore, if one **trod** upon the skin it **is** no longer classified as flesh, but if one **did not tread** upon it, it does **not** cease being classified as flesh.

כַּמָּה כְּדֵי עִבּוּד? אָמַר רַב הוּנָא אָמַר רַבִּי יַנַּאי: אַרְבַּעַת מִילִין.

The mishna states that the skin must be trodden upon for the period required for tanning. The Gemara clarifies: **How long is the period** required **for tanning? Rav Huna says** that **Rabbi Yannai says:** The time which it takes one to walk **four *mil*.**[BH]

HALAKHA

The ear of a donkey that one sewed into his basket is pure – אוֹזֶן חֲמוֹר שֶׁטָּלָאָהּ לְקוּפָּתוֹ טְהוֹרָה: The ear of a donkey carcass that one sewed into a basket is pure and is no longer classified as flesh (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:9).

How long is the period required for tanning…four *mil* – כַּמָּה כְּדֵי עִבּוּד...אַרְבַּעַת מִילִין: If one tanned or trod on the skin of an animal carcass that has the same halakhic status as its flesh for the period required for tanning, the skin is pure and is no longer classified as flesh. How long is the period required for tanning? It is the time that it takes one to walk four *mil* (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:9).

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רַבִּי אַבָּהוּ מְשׁוּם דְּרֵישׁ לָקִישׁ אָמַר: לְגַבָּל,

§Since the period of time it takes to walk four *mil* was mentioned, the Gemara lists *halakhot* that employ this period of time. **Rabbi Abbahu says in the name of Reish Lakish: With regard to** a professional **kneader** who is careful to maintain the ritual purity of the dough that he kneads for others, he must walk up to four *mil* in order to purify the vessel he is using by immersing it in a ritual bath. He is not required to walk farther than this unless the person hiring him pays for him to do so.

וְלִתְפִלָּה, וְלִנְטִילַת יָדַיִם – אַרְבַּעַת מִילִין.

And similarly, **with regard to prayer,** one who is traveling may not pray where he is if there is a synagogue within four *mil* ahead of him, but rather must continue traveling in order to pray in the synagogue. **And** similarly, **with regard to washing** one's **hands** before eating, one who is traveling may not eat without washing his hands if there is water within **four *mil***[H] ahead of him.[H]

אָמַר רַב נַחְמָן בַּר יִצְחָק:

With regard to this statement of Reish Lakish, **Rav Naḥman bar Yitzḥak said:**

HALAKHA

With regard to a kneader…four *mil* – לְגַבָּל...אַרְבַּעַת מִילִין: One should not knead dough while in a state of impurity, but rather strive to purify himself and his kneading vessels in order to separate pure *ḥalla*. If the ritual bath is farther than four *mil*, he may knead his dough in a state of impurity and separate impure *ḥalla* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 8:11).

And with regard to prayer…Four *mil* ahead of him – וְלִתְפִלָּה...אַרְבַּעַת מִילִין: One must wash one's hands before praying. If he is traveling and does not have water, he must walk up to a parasang, which is the equivalent of four *mil*, in the direction of his journey to find water, in accordance with the Rambam's interpretation of the ruling of Rabbi Abbahu. He is required to search for water only up to one *mil* in the opposite direction of his journey. If he is worried that he will miss the time for prayer, he may rub his hands on stones, dirt, or any substance that cleans. The *Mishna Berura* explains that according to the opinion of the Rambam one must wash or clean one's hands before prayer, and failure to do so invalidates one's prayer. The *Beur Halakha* rules that after the fact, if one did not clean one's hands before praying, one does not need to pray again (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 4:1–2; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 92:4).

Perek **IX**
Daf **123** Amud **a**

אַיְבוּ אָמַרָה, וְאַרְבָּעֵי אָמַר בָּהּ, וַחֲדָא מִינַּייְהוּ עֲבוֹדָה.

It was **Aivu** who **said** this statement in the name of Reish Lakish and not Rabbi Abbahu, **and he said four** *halakhot*, not three, with regard to the measure of four *mil*, **and** the fourth **one of them** is the *halakha* mentioned in the mishna: Skins that one spread on the ground and trod upon for the period required for **tanning,** i.e., the amount of time it takes to walk four *mil*, are no longer classified as flesh and are ritually pure.

אָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: לֹא שָׁנוּ אֶלָּא לְפָנָיו, אֲבָל לְאַחֲרָיו – אֲפִילּוּ מִיל אֶחָד אֵינוֹ חוֹזֵר. רַב אַחָא בַּר יַעֲקֹב אָמַר: וּמִינָּהּ, מִיל הוּא – דְּאֵינוֹ חוֹזֵר, הָא פָּחוֹת מִמִּיל – חוֹזֵר.

Rabbi Yosei, son of Rabbi Ḥanina, says: With regard to prayer and washing one's hands, the Sages **taught** that one must travel four *mil* to find a synagogue or water **only** if the synagogue or the water is **ahead of him,** in the direction that he is traveling. **But** if it is **behind him, he** need **not return even one *mil*. Rav Aḥa bar Yaakov said: From** this statement one may infer that **it is** specifically a ***mil* that one** need **not return; but one must return** for a synagogue or water that is at a distance of **less than** one ***mil*.**

תָּנוּ רַבָּנַן: לִיגְיוֹן הָעוֹבֵר מִמָּקוֹם לְמָקוֹם וְנִכְנַס לַבַּיִת – הַבַּיִת טָמֵא, שֶׁאֵין לְךָ כָּל לִיגְיוֹן וְלִיגְיוֹן שֶׁאֵין לוֹ כַּמָּה קַרְקָפְלִין. וְאַל תִּתְמַהּ – שֶׁהֲרֵי קַרְקָפְלוֹ שֶׁל רַבִּי יִשְׁמָעֵאל מוּנָּח בְּרֹאשׁ מְלָכִים.

§The mishna states that the skin of a human corpse is impure like its flesh. **The Sages taught** in the *Tosefta* (8:16): In the case of **a legion**[B] **traveling** for warfare **from place to place, and** one member of the legion **enters a house, the house is impure, as there is no legion that does not have several scalps** that its soldiers carry around for witchcraft. **And you should not be surprised** that they do so, **as the scalp** [***karkefal***][L] **of Rabbi Yishmael**[P] was **placed on the heads of kings.**

מתני׳ הַמַּפְשִׁיט בִּבְהֵמָה וּבַחַיָּה, בְּטְהוֹרָה וּבְטְמֵאָה, בַּדַּקָּה וּבַגַּסָּה,

MISHNA The halakhic status of the hide of an animal after it was flayed is no longer like its flesh in terms of becoming impure and imparting impurity. Nevertheless, in the case of **one who flays** either **a domesticated animal or an undomesticated animal; a ritually pure** animal that was slaughtered properly and afterward came in contact with impurity, e.g., the one flaying it is impure, **or a ritually impure**[N] unslaughtered carcass; **a small animal,** e.g., sheep, **or a large animal,** e.g., cattle; and even after flaying the animal's hide is still partially attached to the flesh, the hide's halakhic status remains that of flesh in some circumstances.

BACKGROUND

Legion – לִיגְיוֹן: A legion was the largest unit in the Roman army, numbering around ten thousand men.

LANGUAGE

Scalp [*karkefal*] – קַרְקָפְל: Although the precise root of the word *karkefal* is unclear, the word is related to the Greek κεφαλή, *kefalē*, meaning head, and refers to the scalp.

PERSONALITIES

Rabbi Yishmael – רַבִּי יִשְׁמָעֵאל: Rabbi Yishmael ben Elisha served as High Priest during the first generation of *tanna'im*, during the final days of the Second Temple. Tradition relates that he knew the ineffable name of God and obtained great mystical insights. He and his colleague Rabban Shimon ben Gamliel the Elder were killed together by the Romans as two of the ten martyrs whose execution by the Romans is described in liturgy. The Sages relate that he was one of the seven most beautiful people in the world, and that when he was brought to be killed, the daughter of the Caesar desired his beauty. She asked her father to flay the skin of his face while he was still alive. It is related that his facial skin was embalmed in persimmon oil and was worn as a mask on a Roman holiday that was celebrated once every seventy years.

NOTES

Ritually pure or ritually impure – בְּטְהוֹרָה וּבְטְמֵאָה: The commentaries disagree with regard to the interpretation of the mishna. Rashi explains that the term: Pure, is describing a kosher animal slaughtered in a valid manner, where the one flaying the animal is impure. The term: Impure, is describing a kosher animal that died in a manner other than slaughter, where the one flaying the carcass is pure. By contrast, the Rambam explains that the term: Pure, is describing a kosher animal, and the term: Impure, is describing a non-kosher animal such as a donkey (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:10).

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לְשָׁטְיַח – כְּדֵי אַחְיְזָה,

These circumstances are: If he is flaying the animal **for** the purpose of using the hide as **a carpet,** a tablecloth, or to drape over a couch, in which case he would cut the hide along the length of the animal from head to tail and then remove the hide from both sides, its halakhic status remains that of flesh until he has flayed **the measure of grasping** the hide, i.e., two handbreadths.

וּלְחֻמָּת – עַד שֶׁיְּפַשְּׁיט אֶת הֶחָזֶה.

And if he is flaying the animal **for** the purpose of crafting a leather **jug,**[H] in which case he cuts a circle near the animal's neck and removes the hide in a downward movement, its halakhic status remains that of flesh **until he flays the** animal's entire **breast.**

הַמַּרְגִּיל – כּוּלּוֹ חִבּוּר לְטוּמְאָה, לִיטָּמֵא וּלְטַמֵּא. עוֹר שֶׁעַל הַצַּוָּאר – רַבִּי יוֹחָנָן בֶּן נוּרִי אוֹמֵר: אֵינוֹ חִבּוּר. וַחֲכָמִים אוֹמְרִים: חִבּוּר, עַד שֶׁיְּפַשְּׁיט אֶת כּוּלּוֹ.

In the case of **one who** seeks to fashion a jug and begins **flaying from the legs,**[HB] until he removes the animal's hide in **its entirety,** the entire hide is considered as having **a connection** with the flesh and its halakhic status remains that of flesh **with regard to impurity,** i.e., with regard **to becoming impure and with regard to imparting impurity.** If one removed the entire hide except for **the hide over the neck,**[H] **Rabbi Yoḥanan ben Nuri says: It is not** considered to have **a connection** to the flesh, **and the Rabbis say:** It is considered to have **a connection** to the flesh **until he removes the** animal's **hide in its entirety,** including the neck.

גמ׳ מִכָּאן וְאֵילָךְ מַאי?

GEMARA The mishna teaches: If one flays an animal for the purpose of making a carpet out of it, the halakhic status of the hide remains that of flesh until he has flayed the measure of grasping the hide. The Gemara asks: **From that** point **forward,** i.e., when one has flayed more than the measure of grasping of the hide, **what** is the status of the hide?

אָמַר רַב: טָהוֹר הַמּוּפְשָׁט. רַבִּי אַסִי אָמַר: טָפַח הַסָּמוּךְ לַבָּשָׂר טָמֵא.

Rav says: The entire section of the hide **that has been flayed is pure** because it no longer serves the flesh as a handle. But the hide that is still attached to the flesh serves the flesh as protection, and therefore it transmits impurity to the flesh and from the flesh, and joins together with the flesh to constitute the requisite measure to impart the impurity of food. **Rabbi Asi says: One handbreadth**[B] of the flayed hide **that is next to the flesh is susceptible to impurity.** Since the one who flays the hide holds this handbreadth of the hide while flaying, this section of the hide serves the flesh as a handle.

מֵיתִיבִי: הַמְּפַשֵּׁיט כַּשִּׁיעוּר הַזֶּה, מִכָּאן וְאֵילָךְ – הַנּוֹגֵעַ בְּמוּפְשָׁט טָהוֹר. מַאי לָאו אֲפִילּוּ בְּטָפַח הַסָּמוּךְ לַבָּשָׂר? לָא, לְבַר מִטָּפַח הַסָּמוּךְ לַבָּשָׂר.

The Gemara **raises an objection** to the statement of Rabbi Asi from a *baraita*: In the case of **one who flays** an unslaughtered animal carcass, once he has cut the hide along the length of the animal from head to tail and then removed **this measure** of the hide from both sides, then **from that** point **forward,** a person **who touches the flayed** hide **is pure,** because the flayed hide does not impart impurity of a carcass. **What, is it not** discussing **even the handbreadth** of hide **next to the flesh,** contrary to the opinion of Rabbi Asi? The Gemara answers: **No,** there is no proof from this *baraita*, as it may be discussing the flayed hide **except for the handbreadth next to the flesh.**

תָּא שְׁמַע: בָּעוֹר שֶׁכְּנֶגֶד הַבָּשָׂר – טָמֵא. עוֹר שֶׁכְּנֶגֶד הַבָּשָׂר – טָמֵא, הָא בְּטָפַח הַסָּמוּךְ לַבָּשָׂר – טָהוֹר! תַּנָּא, כָּל טָפַח הַסָּמוּךְ לַבָּשָׂר – ״עוֹר שֶׁכְּנֶגֶד הַבָּשָׂר״ קָרֵי לֵיהּ.

Come and **hear** a refutation of the opinion of Rabbi Asi from a *baraita*: Once an animal carcass has been flayed more than the measure of grasping the hide, if one touches **the hide opposite the flesh** before that hide was flayed **he is impure.** This statement indicates that the attached **hide opposite the flesh is impure, but one handbreadth** of the flayed hide **that is next to the flesh is pure,** contrary to the opinion of Rabbi Asi. The Gemara answers: There is no proof from this *baraita*. **The *tanna*** who taught this *baraita* was referring to **the entire handbreadth** of flayed hide **next to the flesh** by **calling it the hide opposite the flesh.**

HALAKHA

For using as a carpet…and for crafting a leather jug – לְשָׁטְיַח…וּלְחֻמָּת: If one is flaying a domesticated animal or an undomesticated animal, a pure animal or an impure animal, a large animal or a small animal, for the purpose of using the hide as a carpet, its halakhic status remains that of flesh until he has flayed the measure of grasping the hide, i.e., two handbreadths. If he is flaying the animal for the purpose of crafting a leather jug, its halakhic status remains that of flesh until he removes the hide covering the animal's entire breast (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:10).

One who begins flaying from the legs – הַמַּרְגִּיל: If one begins flaying the hide of a carcass from the legs, the hide is considered connected to the flesh until he removes the animal's hide in its entirety. Until then, its halakhic status remains that of flesh with regard to becoming impure and imparting impurity (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:10).

If one removed the entire hide except for the hide over the neck – עוֹר שֶׁעַל הַצַּוָּאר: If one removed the entire hide except for the hide over the neck, it is considered to have a connection to the flesh until he removes the animal's hide in its entirety (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:10).

BACKGROUND

Flaying from the legs – מַרְגִּיל: One flaying an animal would usually make an incision along the length of the belly of the animal, from the throat to the tail. In order to fashion a jug, one must flay the animal without making such an incision. Therefore, one flays the animal starting from the legs and moving upward.

Handbreadth – טֶפַח: This measure represents the width of a clenched fist. One handbreadth is equal to four fingerbreadths, which is equivalent to five times the width of the middle finger, or six times the width of the little finger. According to the measurements of Rabbi Ḥayyim Na'e, a handbreadth is 8 cm. According to the measurements of the Ḥazon Ish, it is 9.6 cm.

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תָּא שְׁמַע: הַמַּפְשִׁיט בַּבְּהֵמָה וּבַחַיָּה, בְּטָהוֹרָה וּבְטֻמְאָה, בַּדַּקָּה וּבַגַּסָּה, לְשָׁטְיַח – כְּדֵי אֲחִיזָה, וְטָפַח הַסָּמוּךְ לַבָּשָׂר טָהוֹר!

Come and **hear** a refutation of the opinion of Rabbi Asi from a *baraita* (*Tosefta* 8:18): In the case of **one who flays a domesticated animal or an undomesticated animal, a ritually pure** animal **or a ritually impure** unslaughtered carcass, **a small animal or a large animal,** if he is flaying the animal **for** the purpose of using the hide as **a carpet,** the halakhic status of the hide remains that of flesh until he has flayed **the measure of grasping** it, **and** one who touches **one handbreadth** of the flayed hide **next to the flesh** remains **pure,** contrary to the opinion of Rabbi Asi.

הָכָא בְּמַאי עָסְקִינַן – בְּטָפַח רִאשׁוֹן.

The Gemara answers: **Here we are dealing with the first handbreadth** of hide that is flayed in addition to the measure of grasping. In a case where only one handbreadth of hide has been flayed in addition to the measure of grasping, it is more comfortable for the one flaying the hide to grasp the edge of the hide rather than the handbreadth of hide that is nearest to the flesh. Furthermore, the most comfortable way to continue flaying is to do so with a knife without grasping the flayed hide at all. Therefore, Rabbi Asi concedes that the hide in this case does not serve the flesh as a handle and consequently does not impart impurity. But afterward, when one has already flayed more than three handbreadths of hide, one holds the handbreadth of hide next to the flesh while continuing to flay the animal, and since it serves the flesh as a handle it imparts impurity.

תָּנָא: כַּמָּה ״כְּדֵי אֲחִיזָה״ – טָפַח. וְהָא תַּנְיָא טְפָחַיִם!

§ The mishna teaches that the hide's halakhic status remains that of flesh until he has flayed the measure of grasping the hide. It was **taught** in a *baraita*: **How much is the measure of grasping?** It is **one handbreadth.** The Gemara asks: **But isn't it taught** in another *baraita*: The measure of grasping is **two handbreadths?**

אָמַר אַבַּיֵי: טָפַח כָּפוּל. תַּנְיָא נַמִּי הָכִי: כַּמָּה ״כְּדֵי אֲחִיזָה״ – טָפַח כָּפוּל.

Abaye says: The first *baraita* is referring to one who grasps **a double handbreadth** by folding the first two handbreadths together and grasping them. **This** explanation of Abaye **is also taught** in the *Tosefta* (8:18): **How much is the measure of grasping?** It is **a double handbreadth.**

תְּנַן הָתָם: טַלִּית שֶׁהִתְחִיל בָּהּ לְקוֹרְעָהּ, כְּיָון שֶׁנִּקְרַע רוּבָּהּ – שׁוּב אֵינוֹ חִבּוּר, וּטְהוֹרָה.

§ The Gemara discusses a matter similar to the previous discussion of a partially flayed hide. **We learned** in a mishna **elsewhere** (*Kelim* 28:8): A ritually impure garment that tears is rendered pure because it is no longer considered a useable garment. In the case of a ritually impure **garment that one began to tear,**[NH] **once the majority of** the garment **is torn,** the two sections are **no longer** considered as having **a connection, and** since it is no longer considered a useable garment, it **is pure.**

אָמַר רַב נַחְמָן אָמַר רַבָּה בַּר אֲבוּהּ: לֹא שָׁנוּ אֶלָּא בְּטַלִּית טְבוּלַת יוֹם,

Rav Naḥman says that **Rabba bar Avuh says:** The Sages **taught** this *halakha* **only with regard to** an impure **garment that was** already **immersed** in a ritual bath **that day,** but one must wait until nightfall for the purification process to be completed in order to wear the garment while eating ritually pure food. In such a case, tearing the majority of the garment renders it pure, and the Sages did not apply the requirement that the entire garment be torn.

NOTES

A ritually impure garment that one began to tear – טַלִּית שֶׁהִתְחִיל בָּהּ לְקוֹרְעָהּ: Rabbi Ovadya Bartenura has an alternate version of the text of the Gemara here: A garment that one began to tear, once the majority of the garment is torn, the two sections are not considered as having a connection, and the garment is pure. According to this version, which omits the term: No longer, from the text, the mishna is not discussing an impure garment that is rendered pure after being torn. Rather, the mishna is discussing a case where one section of a torn garment became impure. Since the majority of the garment is torn and there is no connection between the pieces, the other section remains pure.

HALAKHA

A ritually impure garment that one began to tear – טַלִּית שֶׁהִתְחִיל בָּהּ לְקוֹרְעָהּ: If one immersed a garment that is impure with impurity imparted by treading in a ritual bath, and he then began tearing the garment before nightfall, the entire garment is rendered pure once he has torn the majority of the garment. The garment is rendered pure in such a case even if a measure of cloth fit to wrap around one's head as a scarf remains untorn, because he is continuing to tear the garment. This *halakha* applies only with regard to a garment that he immersed in a ritual bath, since by immersing the garment he has shown that he does not care about it and will not hesitate to tear the entire garment (Rambam *Sefer Tahara*, *Hilkhot Kelim* 23:11).

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דְּמִיגּוֹ דְּלָא חַס עֲלָהּ וְאַטְבְּלָהּ, לָא חָיֵיס עֲלָהּ וְקָרַע לָהּ רוּבָּהּ. אֲבָל טְלִית שֶׁאֵינָהּ טְבוּלַת יוֹם – לָא, גְּזֵרָה דִּלְמָא לָא אָתֵי לְמִיקְרְעָהּ רוּבָּהּ.

This is **because** the reason for this rabbinic decree is lest one tear only half of it out of concern for the damage to the garment. And **since** in this case, the owner of the garment showed **that he was not concerned about** damage to the garment by **immersing it** in a ritual bath, an act which damages the garment, so too **he is** presumably **not concerned about** the garment with regard to tearing **it, and he will** certainly **tear the majority of it. But a garment that was not immersed that day is not** rendered pure by tearing the majority of the garment due to a rabbinic **decree lest one come to not tear the majority** of the garment but only half of it.

אֲמַר רַבָּה: שְׁתֵּי תְּשׁוּבוֹת בַּדָּבָר, חֲדָא – שֶׁמָּא יֹאמְרוּ טְבִילָה בַּת יוֹמָא עוֹלָה, וְעוֹד,

Rabba said: There are **two refutations of** this **statement. One** is that the decree should apply even to a garment that was immersed that day, **lest** people who see one eating ritually pure food while wearing such a garment **say** that **immersion** of a garment **on the** same **day is sufficient** for the garment to be worn while eating ritually pure food, and there is no need to wait until nightfall. **And furthermore,** if a garment that was not immersed that day is rendered pure only by tearing the entire garment and not by tearing merely a majority of the garment, due to a decree lest one tear less than a majority of the garment,

Perek **IX**
Daf **123** Amud **b**

עוֹלַת הָעוֹף לְרַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן, לִיגְזוֹר דִּילְמָא לָא אָתֵי לְמֶעֱבַד רוֹב שְׁנַיִם!

so too, with regard to **a bird burnt offering according to** the opinion of **Rabbi Elazar, son of Rabbi Shimon,**[N] who holds that one is required to pinch merely a majority of two *simanim* in the nape of the neck in order to prepare it for sacrifice, **let him decree** against pinching the majority of two *simanim* **lest one come to not perform** the pinching on **the majority of two** *simanim*, but rather on merely half of them.

אֲמַר לֵיהּ רַב יוֹסֵף: דְּקָא אָמְרַתְּ גְּזֵירָה שֶׁמָּא יֹאמְרוּ טְבִילָה בַּת יוֹמָא עוֹלָה – קְרֵעָה מוֹכְיַח עָלֶיהָ.

Rav Yosef responded to Rabba's two refutations and **said to him:** With regard to **that which you said,** that a rabbinic **decree** is necessary even with regard to a garment that was immersed that day **lest** onlookers **say** that **immersion** of a garment **on that** same **day is sufficient,** there is no reason for such a concern. This is because **its tear proves** that the garment is pure due to the tear, and not because one is allowed to wear an immersed garment while eating pure food before sunset.

NOTES

A bird burnt offering according to Rabbi Elazar, son of Rabbi Shimon – עוֹלַת הָעוֹף לְרַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן: The opinion of Rabbi Elazar, son of Rabbi Shimon, is explained in detail in the Gemara earlier in the tractate (21b): With regard to a sliding-scale offering, in which a poor person who cannot afford an animal sin offering brings two doves or two pigeons, one as a sin offering and one as a burnt offering, it is written: "And he shall prepare the second as a burnt offering, according to the ordinance" (Leviticus 5:10). Rabbi Elazar, son of Rabbi Shimon, says: "According to the ordinance" means according to the ordinance that is written with regard to a bird sin offering. Just as there, after the pinching, the priest holds the head and the body of the bird and sprinkles the blood on the altar, so too here, with regard to the bird burnt offering, he holds the head and the body and sprinkles the blood on the altar. The Gemara explains that this is what Rabbi Elazar, son of Rabbi Shimon, is saying: Just as there, with regard to the bird sin offering, when the head is attached to the body, the priest sprinkles the blood on the altar, so too here, with regard to the bird burnt offering, when the head is attached to the body, the priest sprinkles the blood on the altar. This is what is cited in the name of Rabbi Elazar, son of Rabbi Shimon, that one cuts a majority of two *simanim* in a burnt offering and not the two *simanim* in their entirety.

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וּדְקָא אָמְרַתְּ, עוֹלַת הָעוֹף לְרַבִּי אֶלְעָזָר בְּרַבִּי שִׁמְעוֹן לִיגְזַר – כֹּהֲנִים זְרִיזִים הֵן.

And with regard to **that which you said,** that with regard to **a bird burnt offering according to** the opinion of **Rabbi Elazar, son of Rabbi Shimon, let him decree** against pinching the majority of the *simanim* lest one fail to pinch the majority, in fact there is no reason for such a concern. Rav Yosef explains: The reason there is no concern is that pinching is performed by **the priests,** who **are vigilant**[N] with regard to mitzvot.

תָּא שְׁמַע: הַמַּפְשִׁיט בַּבְּהֵמָה וּבַחַיָּה, בַּטְּמֵאָה וּבַטְּהוֹרָה, בַּדַּקָּה וּבַגַּסָּה, לְשָׁטִיחַ – כְּדֵי אֲחִיזָה,

The Gemara suggests: **Come** and **hear** a refutation to Rabba bar Avuh's explanation of the mishna in tractate *Kelim* from the mishna here: In the case of **one who flays a domesticated animal or an undomesticated animal, a ritually impure** animal **or a ritually pure** animal, **a small** animal **or a large** animal, if he is flaying the animal **for** the purpose of using the hide as **a carpet,** the halakhic status of the hide remains that of flesh until he has flayed **the measure of grasping** the hide.

הָא יָתֵר מִכְּדֵי אֲחִיזָה – טָהוֹר, אַמַּאי? לִיגְזַר דִּילְמָא לָא אָתֵי לְמֶעֱבַד אֶלָּא כְּדֵי אֲחִיזָה, וְקָא נָגַע בְּטוּמְאָה, וְקָא מְטַהֲרִינַן לֵיהּ!

The Gemara infers: **But** after one has flayed **more than a measure of grasping** the hide, the hide is **pure. Why** is this so? **Let** the Sages **decree** that even a hide that was flayed more than the measure of grasping is susceptible to impurity **lest** one who intends to flay more than a measure of grasping **come to complete only a measure of grasping, and he is** thereby **touching** a source of **impurity, and we** might mistakenly **deem him pure.**

אִי בְּטוּמְאָה דְּאוֹרַיְיתָא – הָכִי נַמִּי, הָכָא בְּמַאי עָסְקִינַן – בְּטוּמְאָה דְּרַבָּנַן.

The Gemara answers: **If** the mishna were discussing **impurity by Torah law, indeed** the Sages would issue such a decree. But **here we are dealing with impurity by rabbinic law,** and therefore the Sages did not issue such a decree.

תֵּינַח טָמֵא בְּטָהוֹרָה, טָהוֹר בְּטָמֵאָה טוּמְאָה דְּאוֹרַיְיתָא הִיא! בְּטָרֵפָה.

The Gemara objects: According to this answer, the case in the mishna of **an impure** person who flays **a pure** animal **works out well.** That could be referring to a case of impurity by rabbinic law. But in every case of **a pure** person who flays **an impure** animal, i.e., an unslaughtered animal carcass, the **impurity** of the animal **is by Torah law.** Therefore, in such a case the Sages should have issued a decree. The Gemara explains: The case taught in the mishna of a person who flays an impure animal is referring **to** a pure animal that was properly slaughtered, but after the slaughter the animal was found to have a wound that would have caused it to die within twelve months, thereby rendering it **a *tereifa*.** Such an animal imparts impurity by rabbinic law.

טְרֵפָה בַּת טַמּוּיֵי הִיא? אִין, כְּדַאֲבוּהּ דִּשְׁמוּאֵל. דַּאֲמַר אֲבוּהּ דִּשְׁמוּאֵל: טְרֵפָה שֶׁשְּׁחָטָהּ מְטַמְּאָה בְּמוּקְדָּשִׁין.

The Gemara asks: **Is** a pure animal that is found to be **a *tereifa* capable of imparting impurity?** The Gemara answers: **Yes, in accordance with** the opinion **of Shmuel's father, as Shmuel's father said: A *tereifa* that one slaughtered imparts impurity** by rabbinic law **if** it is **a sacrificial** animal.[N] Accordingly, the mishna is referring to the case of a sacrificial animal that was found to be a *tereifa*.

תָּא שְׁמַע: רַבִּי דּוֹסְתַּאי בֶּן יְהוּדָה מְשׁוּם רַבִּי שִׁמְעוֹן אוֹמֵר: הַמַּפְשִׁיט בַּשְּׁרָצִים – חִבּוּר, עַד שֶׁיְּפַשְּׁיט אֶת כּוּלּוֹ.

The Gemara suggests: **Come** and **hear** a refutation of Rabba bar Avuh's explanation of the mishna in tractate *Kelim* from a *baraita* (*Tosefta* 8:19): **Rabbi Dostai ben Yehuda says in the name of Rabbi Shimon:** With regard to **one who flays creeping animals,**[H] its hide is considered to have **a connection** with the flesh, and it imparts impurity of a creeping animal **until he flays** the animal in **its entirety.**

הָא בִּגְמַל – אֵינוֹ חִבּוּר!

The Gemara infers: This *halakha* applies only with regard to creeping animals, **but with regard to a camel** or other non-kosher animals, when the hide is flayed more than a measure of grasping it **is not** considered to have **a connection** with the flesh and is pure, even though when the measure of grasping is flayed it is impure. Apparently, there is no rabbinic decree that even a hide that was flayed more than the measure of grasping imparts impurity lest one who intends to flay more than a measure of grasping come to flay only a measure of grasping, contrary to the opinion of Rabba bar Avuh.

NOTES

The priests, who are vigilant – כֹּהֲנִים זְרִיזִים הֵן: The priests are experts in *halakha* and vigilant in performing mitzvot with precision and care. With regard to the priests, the verse states: "They shall teach Yaakov Your ordinances" (Deuteronomy 33:10), indicating that the priests understand, and have reverence for, the laws of the Torah (see Rashi on *Shabbat* 114b). The later commentaries ask why Rabba did not base his question on the slaughter of a non-sacred animal. That slaughter is not performed by a priest and is nevertheless valid if one cut the majority of two *simanim*. The commentaries answer that Rabba bar Avuh's explanation that the Sages' decree against allowing one to complete the majority of such actions lest he complete only a minority applies only in a case where there is reason to be concerned that one will not complete the majority. With regard to tearing a garment, since one cares for his garment, there is a reason to be concerned that one will tear only a minority of the garment. But in a case of slaughtering a non-sacred animal, where there is no loss if one cuts the majority of the *simanim*, such a decree is unnecessary because there is no reason to be concerned that one will not completely cut the majority. With regard to pinching the nape of the neck of a sacrificial bird, there is a concern that one will pinch less than the majority because he wants to avoid transgressing the prohibition against completely severing the head of the bird (Maharam).

A *tereifa* that one slaughtered imparts impurity if it is a sacrificial animal – טְרֵפָה שֶׁשְּׁחָטָהּ מְטַמְּאָה בְּמוּקְדָּשִׁין: The early commentaries offer different explanations with regard to this statement. Rashi and the *Ba'al HaMaor* explain that a sacrificial animal that is found to be a *tereifa* imparts impurity, even if it was slaughtered in a valid manner. The Rambam explains that any animal that is found to be a *tereifa* imparts impurity to sacrificial animals but not to *teruma* or non-sacred items (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:8).

HALAKHA

One who flays creeping animals – הַמַּפְשִׁיט בַּשְּׁרָצִים: If one flays the hide of creeping animals, the hide is considered to have a connection with the flesh. Consequently, its halakhic status remains that of flesh, and it imparts impurity of a creeping animal until he flays the animal's hide in its entirety (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:10).

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לָא תֵּימָא: הָא בְּגָמָל אֵינוֹ חִבּוּר, אֶלָּא אֵימָא: בְּעוֹר שֶׁעַל הַצַּוָּאר אֵינוֹ חִבּוּר, וְרַבִּי יוֹחָנָן בֶּן נוּרִי הִיא.

The Gemara rejects this proof: **Do not say** that **this** statement indicates that **with regard to a camel,** when the hide is flayed more than a measure of grasping it **is not** considered to have **a connection** with the flesh. **Rather, say** that this statement indicates that only with regard to a creeping animal is the hide considered to have a connection with the flesh until one flays the animal in its entirety. But **with regard to** a camel carcass and other non-kosher animals, in a case where one seeks to fashion a jug and begins flaying from the legs, if he removed the entire hide except for **the hide over the neck, it is not** considered to have **a connection** to the flesh, **and** this statement **is** in accordance with the opinion of **Rabbi Yoḥanan ben Nuri** stated in the mishna.

אָמַר רַב הוּנָא מִשּׁוּם רַבִּי שִׁמְעוֹן בְּרַבִּי יוֹסֵי: לֹא שָׁנוּ אֶלָּא שֶׁלֹּא שִׁייֵר בָּהּ כְּדֵי מַעְפּוֹרֶת, אֲבָל שִׁייֵר בָּהּ כְּדֵי מַעְפּוֹרֶת – חִבּוּר.

§ The Gemara returns to discuss, and limit the scope of, the previously cited mishna (*Kelim* 28:8): In the case of a ritually impure garment that one began to tear, once the majority of the garment is torn, the two sections are no longer considered to have a connection, and the garment is pure. **Rav Huna says in the name of Rabbi Shimon, son of Rabbi Yosei:** The mishna **taught** that an impure garment, most of which has been torn, is no longer impure **only when one did not leave** untorn a part of the garment that is **the measure of a scarf. But** if **he left** an untorn piece that is **the measure of a scarf, it is** considered to have **a connection,** and the garment remains ritually impure.

אָמַר רֵישׁ לָקִישׁ: לֹא שָׁנוּ אֶלָּא טַלִּית, אֲבָל עוֹר – חָלִים. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ עוֹר נַמִּי לָא חָלִים.

Reish Lakish said: The mishna **taught only** with regard to an impure **garment,** most of which has been torn, that it is no longer impure, **but** an impure **hide** that was torn in such a manner remains impure because it is **repairable. And Rabbi Yoḥanan said: Even a hide** that was torn in such a manner is no longer impure because it **is not repairable.**

אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: עוֹר טָמֵא מִדְרָס, חִישֵׁב עָלָיו לִרְצוּעוֹת וְסַנְדָּלִים, כֵּיוָן שָׁנָתַן בּוֹ אִיזְמֵל – טָהוֹר, דִּבְרֵי רַבִּי יְהוּדָה. וַחֲכָמִים אוֹמְרִים: עַד שֶׁיְּמַעְיטֶנּוּ מֵחֲמִשָּׁה טְפָחִים, כִּי מַמְעִיט לֵיהּ מִיהָא טָהוֹר, אַמַּאי? לֵימָא חָלִים!

Rabbi Yoḥanan raised an objection to the opinion of **Reish Lakish** from a mishna (*Kelim* 26:9): In the case of **a hide** that is **impure** with impurity imparted by **treading,**[HB] if the owner **intended with regard to** the hide to make it **into straps and sandals,**[B] **when he applies a scalpel** [*izmel*][L] **to** the hide, the hide becomes **pure;** this is **the statement of Rabbi Yehuda. And the Rabbis say:** The hide does not become pure **until he reduces** the size of the hide to a measure of less **than five handbreadths. In any event, when he reduces** the hide to a measure of less than five handbreadths, everyone agrees that it becomes **pure. Why** is this so? **Let us say** according the opinion of Reish Lakish that the hide should not become pure, as it is **repairable.**

כִּי קָאָמְרִי דְּחָלִים – הֵיכָא דְּקָא צָרֵי לֵיהּ לְהָדְיָא. הָכָא בְּמַאי עָסְקִינַן – בִּמְקַצֵּעַ וּבָא לוֹ דֶּרֶךְ סְבִיבוֹתָיו.

Reish Lakish responded to Rabbi Yoḥanan: **When I said that** a torn hide is **repairable,** I was referring to a case **where one cut** the hide in a **straight** line.[N] By contrast, **here we are dealing with** a case **where one cut** the hide **in a circular manner.** In such a case, the hide is not repairable.

מְתִיב רַבִּי יִרְמְיָה: הַמַּפְשִׁיט בַּבְּהֵמָה וּבַחַיָּה, בַּשְּׁהוֹרָה וּבַטְּמֵאָה, בַּדַּקָּה וּבַגַּסָּה, לְשָׁטְיַח – כְּדֵי אֲחִיזָה. הָא יָתֵר מִכְּדֵי אֲחִיזָה – טָהוֹר. וְאַמַּאי? לֵימָא חָלִים! תַּרְגְּמָהּ רַבִּי אָבִין: רִאשׁוֹן רִאשׁוֹן עוֹשֶׂה נִיפּוּל.

Rabbi Yirmeya raises an objection to the opinion of Reish Lakish from the mishna: In the case of **one who flays** either **a domesticated animal or an undomesticated animal, a ritually pure** animal **or a ritually impure** animal, **a small** animal **or a large** animal, if he is flaying the animal **for** the purpose of using the hide as **a carpet,** the halakhic status of the hide remains that of flesh until he has flayed **the measure of grasping.** Rabbi Yirmeya infers: **But** once one has flayed **more than the measure of grasping,** the hide is **pure. But** according to Reish Lakish, **why** is this so? **Let us say** that the hide is **repairable,** i.e., it can be sewn back on. **Rabbi Avin interpreted** the mishna and explained that **one** piece after **one** piece, i.e., each piece that is flayed is **rendered fallen** and disconnected from the flesh, as it will never be reattached to the flesh, unlike the case of a torn hide, which may be sewn back together.

HALAKHA

Hide that is impure with impurity imparted by treading, etc. – עוֹר טָמֵא מִדְרָס וכו׳: If the owner of a hide that is impure with impurity imparted by treading intended to cut it to make straps and sandals, the hide does not become pure until he decreases the size of each piece of the hide to a measure of less than five handbreadths. This *halakha* is in accordance with the mishna in tractate *Kelim* (Rambam *Sefer Tahara*, *Hilkhot Kelim* 24:8).

BACKGROUND

Ritual impurity imparted by treading – טוּמְאַת מִדְרָס: A utensil contracts ritual impurity imparted by treading when either a *zav*, a *zava*, a woman after childbirth, or a menstruating woman sits or treads upon it. This is a stringent form of impurity, as the utensil becomes a primary source of impurity, like the impure person who sat or trod upon it, and renders impure people or vessels that come into contact with it. Not all objects are equally susceptible to all forms of ritual impurity. In order to contract this impurity, the vessel must be designated primarily for treading, sitting, or lying upon, like a chair or a bed. If that is not its primary designation, it does not become a primary source of ritual impurity through impurity imparted by treading, but it assumes first-degree impurity.

Sandal – סַנְדָּל:



Ancient Roman leather sandal

LANGUAGE

Scalpel [*izmel*] – אִיזְמֵל: From the Greek σμίλη, *smilē*, meaning a knife for cutting and carving, a surgeon's knife, or a knife for pruning branches.

NOTES

When I said that a torn hide is repairable, I was referring to a case where one cut the hide in a straight line – כִּי קָאָמְרִי דְּחָלִים הֵיכָא דְּקָא צָרֵי לֵיהּ לְהָדְיָא: According to this version of the text, which is the version of Rashi, Reish Lakish states that there is a difference between a hide cut in a straight line, which is repairable, and one cut in a circular manner, which is not repairable. Other early commentaries have a version of the text that states: There, in that case, one cut the hide in a straight line. According to this version of the text, Reish Lakish is stating the opposite: A hide cut in a circular manner is repairable, but that cut in a straight line is not (Responsa of the Rosh).

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מְתִיב רַב יוֹסֵף: עוֹר שֶׁעַל הַצַּוָּאר, רַבִּי יוֹחָנָן בֶּן נוּרִי אוֹמֵר אֵינוֹ חִבּוּר, אַמַּאי? הָא חָלִים וְקָאֵי!

Rav Yosef raises an objection to the opinion of Reish Lakish from another ruling in the mishna: With regard to **the hide over the neck, Rabbi Yoḥanan ben Nuri says: It is not** considered to have **a connection** to the flesh, as the hide is merely loosely connected to the neck itself, and it is pure. According to Reish Lakish, **why** is this so? **Doesn't** the hide **exist** in its **repaired** state, i.e., isn't it still connected to the neck itself? If an impure hide that was torn and can be repaired remains impure, this should certainly be the *halakha* with regard to hide that was never moved from its initial state.

אֲמַר לֵיהּ אַבַּיֵי: אֵימָא סֵיפָא וַחֲכָמִים אוֹמְרִים: חִבּוּר.

Abaye said to Rav Yosef: Instead of objecting to the opinion of Reish Lakish due to the statement of Rabbi Yoḥanan ben Nuri, **say the latter clause** of the mishna: **And the Rabbis say:** The hide covering the neck is considered to have **a connection** to the flesh, a statement that supports the opinion of Reish Lakish according to your reasoning.

אֶלָּא אֲמַר אַבַּיֵי: בְּשׁוֹמֵר הֶעָשׂוּי לִנָּתֵק מֵאֲלָיו קָא מִיפַּלְגִי, מָר סָבַר הָוֵי שׁוֹמֵר, וּמָר סָבַר לָא הָוֵי שׁוֹמֵר.

Rather, Abaye said: The dispute between Reish Lakish and Rabbi Yoḥanan is irrelevant to the dispute in the mishna between Rabbi Yoḥanan ben Nuri and the Rabbis. In the mishna, **they disagree with regard to** whether an appendage, such as the hide of the neck, that **protects** the flesh but is **prone to become detached by itself** is considered to be protection. One **Sage,** i.e., the Rabbis, **holds** that **it is** considered to be **protection, and** one **Sage,** Rabbi Yoḥanan ben Nuri, **holds** that **it is not** considered to be **protection.**

מְתִיב רַבִּי יִרְמְיָה: תַּנּוּר שֶׁנִּטְמָא כֵּיצַד מְטַהֲרִין אוֹתוֹ – חוֹלְקוֹ לִשְׁלֹשָׁה, וְגוֹרֵר אֶת הַטְּפִילָה.

Rabbi Yirmeya raises an objection to the opinion of Reish Lakish from a mishna (*Kelim* 5:7): With regard to **an oven**[B] **that has become impure, how does one purify it?**[H] **One divides** the oven **into three** parts **and scrapes off the** layer of **plaster** that surrounds the oven

BACKGROUND

Oven – תַּנּוּר:



Clay oven from late antiquity

HALAKHA

With regard to an oven that has become impure, how does one purify it – תַּנּוּר שֶׁנִּטְמָא כֵּיצַד מְטַהֲרִין אוֹתוֹ: With regard to an oven that has become impure, how does one purify it? One divides the oven into three pieces and scrapes off the layer of plaster that constitutes the foundation of the oven until all of the clay is resting directly on the ground, in accordance with the first *tanna* in the mishna in tractate *Kelim* (Rambam *Sefer Tahara*, *Hilkhot Kelim* 16:2).

Perek **IX**
Daf **124** Amud **a**

עַד שֶׁיִּהֵא בָּאָרֶץ. רַבִּי מֵאִיר אוֹמֵר: אֵינוֹ צָרִיךְ לֹא לִגְרוֹר אֶת הַטְּפִילָה, וְלֹא עַד שֶׁיִּהֵא בָּאָרֶץ, אֶלָּא מְמַעֲטוֹ מִבִּפְנִים מֵאַרְבַּע טְפָחִים.

until the oven itself merely rests **on the ground**[N] and is not held in place by plaster. Breaking the oven in such a manner renders the oven pure because it is no longer considered a vessel. **Rabbi Meir says: It is unnecessary to scrape off the** layer of **plaster, and** it is certainly **not** necessary to remove it **until** the oven rests **on the ground. Rather, one** makes cuts in the oven itself, **reducing** its size **from within** the layer of plaster, i.e., without removing the layer of plaster, until the unbroken part is less **than four handbreadths.**

כִּי מְמַעֵט לָהּ מֵאַרְבַּע מִיהָא טָהוֹר, אַמַּאי? לֵימָא הָא חָלִים וְקָאֵי!

Rabbi Meir holds that although breaking off a minority of the structure of the oven is insufficient, **in any event when one reduces** the size of the oven to less **than four** handbreadths in height the oven is rendered **pure. Why** is this so, according to the opinion of Reish Lakish? **Let us say** that **this** oven **exists** in **a repairable** state, as the plaster holds it together, and according to Reish Lakish it should therefore be considered connected and remain impure.

NOTES

Until the oven itself rests on the ground – עַד שֶׁיִּהֵא בָּאָרֶץ: This mishna is discussing a portable oven that has walls but no base and looks like a large, upside down pot. When one wishes to set up such an oven, one must first place a layer of stones on the ground as a base and then place the oven on top. He then must add a layer of plaster [*tefeila*] in order to stabilize and insulate the oven's base. The reason this layer of plaster is called *tefeila*, meaning secondary, is because it is an external addition to the body of the oven. One who wishes to purify such an oven must remove the layer of plaster and the stone base such that the body of the oven rests directly on the ground (*Arukh*). Other commentaries do not mention a stone base at all. Rather, some of these commentaries explain that according to the Rabbis, one must both remove the layer of plaster, as well as split the oven itself, until the ground. Rabbi Meir, as the repetitiveness of his statement indicates, disagrees with regard to both of these matters and maintains that one need neither remove the layer of plaster nor split the oven all the way to the ground (Rabbi Shimshon of Saens; Rosh). Rashi explains that the Rabbis are referring only to the layer of plaster, which must be removed all the way to the ground. According to this interpretation, Rabbi Meir and the Rabbis disagree with regard to only one issue: The need to remove the layer of plaster. Accordingly, Rashi explains the repetition in Rabbi Meir's response to the Rabbis as follows: Not only does one not need to remove the layer of plaster to the degree that the oven rests on the ground, one does not need to remove a layer of plaster at all.

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אֲמַר לֵיהּ רָבָא: וְאֵימָא מִדְּרַבָּנַן, גּוֹרֵר אֶת הַטְּפִילָה עַד שֶׁיִּהֵא בָּאָרֶץ!

Rava said to Rabbi Yirmeya: Instead of objecting to the opinion of Reish Lakish from the statement of Rabbi Meir, **state** a proof for his opinion **from** the statement **of the Rabbis** who disagree with Rabbi Meir and hold that the oven becomes pure only if **one scrapes off the** layer of **plaster until** the oven rests **on the ground.** Apparently, the Rabbis hold that the oven is rendered pure only if it is completely and irreparably broken, which supports the opinion of Reish Lakish according to your reasoning.

אֶלָּא אֲמַר רָבָא, הָכִי קָאָמַר: תַּנּוּר שֶׁנִּטְמָא, כֵּיצַד מְטַהֲרִין אוֹתוֹ? דִּבְרֵי הַכֹּל חוֹלְקוֹ לִשְׁלֹשָׁה, וְגוֹרֵר אֶת הַטְּפִילָה, עַד שֶׁיִּהֵא בָּאָרֶץ.

Rather, Rava said: Not only is there no proof against the opinion of Reish Lakish from this mishna, as the statement of the Rabbis supports his opinion, but Rabbi Meir may even accept the opinion of Reish Lakish; as **this** is what the mishna **is saying: How does one purify an oven that became impure? Everyone,** even Rabbi Meir, **agrees** that one **divides it into three** parts **and scrapes off the** layer of **plaster until** the oven rests **on the ground.**

וְהָרוֹצֶה שֶׁלֹּא יָבֹא תַּנּוּרוֹ לִידֵי טוּמְאָה, כֵּיצַד הוּא עוֹשֶׂה – חוֹלְקוֹ לִשְׁלֹשָׁה, וְגוֹרֵר אֶת הַטְּפִילָה עַד שֶׁיִּהֵא בָּאָרֶץ. רַבִּי מֵאִיר אוֹמֵר: אֵינוֹ צָרִיךְ לֹא לְגָרוֹר אֶת הַטְּפִילָה וְלֹא עַד שֶׁיִּהֵא בָּאָרֶץ, אֶלָּא מְמַעֲטוֹ מִבִּפְנִים מֵאַרְבַּע טְפָחִים.

And anyone **who wishes that his oven not become** susceptible to **impurity, how does he act?** The Rabbis hold that he goes through the same process as is necessary in order to purify an impure oven: From the outset, **he divides** the oven **into three** parts **and scrapes off the** layer of **plaster until** the oven rests **on the ground. Rabbi Meir says:** With regard to an oven that has not yet become impure, **it is unnecessary to scrape off the** layer of **plaster, and** it is certainly **not** necessary to remove it **until** the oven rests **on the ground. Rather, one reduces** the size of the oven **from within** the layer of plaster until the unbroken part is less **than four handbreadths** in height.

אֲמַר מָר: חוֹלְקוֹ לִשְׁלֹשָׁה,

§ The Gemara discusses the mishna in tractate *Kelim* cited above. **The Master said:** An impure oven is rendered pure when one **divides it into three** parts, such that no one part contains the majority of the oven. But one cannot purify the oven by dividing it into two parts because one of the parts would contain the majority of the oven.

וּרְמִינְהוּ: תַּנּוּר תְּחִלָּתוֹ אַרְבָּעָה וְשִׁיָּרָיו אַרְבָּעָה, דִּבְרֵי רַבִּי מֵאִיר.

The Gemara **raises a contradiction** to this mishna from another mishna (*Kelim* 5:1): A clay **oven** in **its original state,** once it is finished being built, is susceptible to ritual impurity if it is **four** handbreadths tall. **And** with regard to an oven that became impure and was subsequently broken, if **its remains** include a piece **four** handbreadths tall, that piece remains impure. This is **the statement of Rabbi Meir.**

וַחֲכָמִים אוֹמְרִים: בַּמֶּה דְּבָרִים אֲמוּרִים – בִּגָּדוֹל, אֲבָל בְּקָטָן – תְּחִלָּתוֹ כָּל שֶׁהוּא. מִשֶּׁתִּגָּמֵר מְלַאכְתּוֹ, שִׁיָּרָיו – בְּרוּבּוֹ.

And the Rabbis say: In what case **is this statement said?** It is said **in** the case of **a large** oven,[H] **but in** the case of **a small** oven,[H] in **its original state, any size** is sufficient for it to be susceptible to impurity. **Once its construction is completed,** if the oven became impure and was subsequently broken, **its remains** are still impure **in** a case where they contain **the majority of** the oven.

HALAKHA

In the case of a large oven, etc. – בְּגָדוֹל וכו׳: The remains of a large oven measuring four handbreadths are considered significant. How so? A broken piece measuring four handbreadths is susceptible to impurity, but a piece smaller than that is not susceptible to impurity. Similarly, if an oven became impure, and one broke it into pieces that are smaller than four handbreadths, it is rendered pure. But if any remaining piece measures four handbreadths, those pieces remain impure (Rambam *Sefer Tahara*, *Hilkhot Kelim* 16:1).

But in the case of a small oven, etc. – אֲבָל בְּקָטָן וכו׳: With regard to a small oven, any remaining piece that contains the majority of the oven is considered significant. How so? A remaining piece that contains the majority of the oven is susceptible to impurity, but a piece smaller than this size is not susceptible to impurity. Similarly, if one broke an impure oven into pieces that are smaller than the majority of the oven, it is rendered pure, but any remaining piece that contains the majority of the oven remains impure (Rambam *Sefer Tahara*, *Hilkhot Kelim* 16:1).

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וְכַמָּה כָּל שֶׁהוּא? אָמְרִי דְּבֵי רַבִּי יַנַּאי: טֶפַח, שֶׁכֵּן עוֹשִׂים תַּנּוּרִים בְּנוֹת טֶפַח.

The Gemara explains: **And how** small is the size defined by the mishna as **any size?** The **school of Rabbi Yannai says:** One **handbreadth, as** people **make** toy **ovens one handbreadth tall.**

טַעֲמָא דְּאִיכָּא שִׁיָּרְיוּ אַרְבַּע, הָא לֵיכָּא שִׁיָּרְיוּ אַרְבַּע – טָהוֹר!

The Gemara infers: The Rabbis in that mishna hold that with regard to a large impure oven that breaks, any remaining piece that measures four handbreadths remains impure. Evidently, **the reason** that the oven remains impure is **because there are** pieces of **its remains** that measure **four** handbreadths, **but** if **there are no remains** of the oven measuring **four** handbreadths, even if a piece contains the majority of the oven, the oven is rendered **pure.** This opinion is not consistent with the opinion of the Rabbis in the previously cited mishna.

אָמְרִי: הָתָם – דְּצַלְּקֵיהּ מִצְּלָק, הָכָא – דְּעַבְדֵיהּ גִּיסְטְרָא.

The Sages **said** in response: **There,** with regard to the opinion of the Rabbis that if there are no remains measuring four handbreadths then the oven is pure, that mishna is discussing a case **where one cut** the oven horizontally such that the pieces do not stand one on top of the other in a stable manner. **Here,** with regard to the opinion of the Rabbis that an impure oven is rendered pure only when no one piece constitutes the majority of the oven, the mishna is discussing a case **where one rendered** the oven **a shard** [***gistera***]ʟ by cutting it in half vertically, in which case a piece that contains the majority of the oven can stand on its own.

אֲמַר מָר: שִׁיָּרְיוּ בְּרוּבּוֹ, רוּבּוֹ דְּטָפַח לְמַאי הֲוֵי?

§The Gemara discusses the previously cited mishna in tractate *Kelim*. **The Master said:** In the case of a small oven, in its original state, any size is sufficient for it to be susceptible to impurity. And once its construction is completed, if the oven became impure and was subsequently broken, **its remains** are still impure if they contain **the majority** of the oven. The Gemara asks: Rabbi Yannai explained that the phrase: Any size, is referring to a measure of one handbreadth. **For what** purpose **is** a piece of an oven the size of **the majority of** one **handbreadth** usable? Since such a small piece is not functional; why should it remain impure?

אֲמַר אַבָּיֵי: שִׁיָּרֵי גָּדוֹל בְּרוּבּוֹ. וְהָאָמְרִי רַבָּנַן אַרְבָּעָה! לָא קַשְׁיָא, הָא – בְּתַנּוּרָא בַּר תִּשְׁעָה, הָא – בְּתַנּוּרָא בַּר שְׁבָעָה.

Abaye said: The statement of the mishna: Its remains are still impure if they contain the majority of the oven, is not discussing a small oven, but rather is teaching that **the remains of a large** oven remain impure if they contain **the majority of** the oven. The Gemara asks: **But didn't the Rabbis say** in the mishna that any remaining piece of a large oven measuring **four** handbreadths remains impure? The Gemara answers: That is **not difficult. That** statement of the Rabbis that the remains of a large oven remain impure if they contain the majority of the oven is referring **to an oven** measuring **nine** handbreadths. **That** statement of the Rabbis that any remaining piece of a large oven measuring four handbreadths remains impure is referring **to an oven** measuring **seven** handbreadths.

לִישָׁנָא אַחֲרִינָא אָמְרִי לָהּ, אֲמַר רַב הוּנָא מְשׁוּם רַבִּי יִשְׁמָעֵאל בְּרַבִּי יוֹסֵי: וַאֲפִילּוּ שִׁייֵר בָּהּ כְּדֵי מַעְפּוֹרֶת.

§The Gemara returns to discuss the mishna in tractate *Kelim* (28:8) previously mentioned in the Gemara (123a–b): In the case of a ritually impure garment that one begins to tear, once the majority of the garment is torn, the two sections are no longer considered to have a connection, and the garment is pure. Rav Huna said in the name of Rabbi Shimon, son of Rabbi Yosei, that even if the majority of the garment is torn, if a part of the garment the measure of a scarf is left intact, the garment remains impure. **Some say another version** of Rav Huna's statement: **Rav Huna said in the name of Rabbi Yishmael, son of Rabbi Yosei:** If the majority of the garment is torn, the garment is rendered pure **even** if one **left** an untorn piece **the measure of a scarf.**

אֲמַר רֵישׁ לָקִישׁ: לֹא שָׁנוּ אֶלָּא טַלִּית, אֲבָל עוֹר – חָשִׁיב. וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ עוֹר נַמִּי לָא חָשִׁיב.

With regard to that statement of Rav Huna, **Reish Lakish said:** The Sages **taught** that the garment is pure even if one left an untorn piece the measure of a scarf **only** with regard to a torn **garment. But** with regard to **a hide,** if the majority was torn and a piece the measure of a scarf remains, the piece is considered **significant** and the hide remains impure. **And Rabbi Yoḥanan said: Even** with regard to a torn **hide,** if a piece the size of a scarf remains it is **not** considered **significant** and the hide is therefore rendered pure.

LANGUAGE

Shard [*gistera*] – גִּיסְטְרָא: Apparently from the Greek γάστρα, *gastra*, referring to the lower part of a vessel bulging out like a paunch. The Sages use this word to refer to a broken shard of a clay vessel, such as a handle. The word came to refer to any shard, or the breaking of an item into two pieces.

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אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: עוֹר טְמֵא מִדְּרָס, חִישֵּׁב עָלָיו לְרָצוּעָה וְסַנְדָּלִין – כֵּיוָן שָׁנָּתַן בּוֹ אִיזְמֵל, טָהוֹר, דִּבְרֵי רַבִּי יְהוּדָה. וַחֲכָמִים אוֹמְרִים: עַד שֶׁיַּמְעִיטֶנּוּ מֵחֲמִשָּׁה טְפָחִים.

Rabbi Yoḥanan raised an objection to the opinion of **Reish Lakish** from that which is taught in the mishna (*Kelim* 26:9): With regard to **a hide** that is **impure** with impurity imparted by **treading,** if the owner **intended with regard to** the hide **to** fashion it into **straps and sandals,** then **when he applies a scalpel to** the hide, the hide becomes **pure;** this is **the statement of Rabbi Yehuda. And the Rabbis say:** The hide does not become pure **until he reduces** the hide to a measure of less **than five handbreadths.**

כִּי מְמַעֵט מִיהָא טָהוֹר, אַמַּאי? לֵימָא חָשִׁיב! הָכָא בְּמַאי עָסְקִינַן – דְּקָא בָּעֵי לֵיהּ לְמוֹשַׁב זָב.

In any event, when one reduces the hide to a measure of less than five handbreadths, everyone agrees that it becomes **pure. Why** is this so? **Let us say** that the hide is considered **significant** and therefore remains impure. Reish Lakish answered: **Here, we are dealing with** a case **where one needs** the cut hide **for a seat** that he wishes to designate for **a man who experiences a gonorrhea-like discharge** [***zav***]**.** Since a piece of hide measuring less than five handbreadths cannot be used for a seat, it is not considered significant in such a case.

מתני׳ עוֹר שֶׁיֵּשׁ עָלָיו כַּזַּיִת בָּשָׂר, הַנּוֹגֵעַ בַּצִּיב הַיּוֹצֵא מִמֶּנּוּ, וּבַשְּׂעָרָה שֶׁכְּנֶגְדּוֹ – טָמֵא.

MISHNA In the case of **a hide** of an unslaughtered carcass **upon which there is an olive-bulk of flesh, one who touches a strand** of flesh **emerging from** the flesh[H] **or a hair** that is on the side of the hide **opposite** the flesh **is ritually impure.** Although he did not touch an olive-bulk of the flesh, he is rendered impure with the impurity of an unslaughtered carcass. The reason is that the strand of flesh has the same status as the flesh itself, and the hair is considered protection to the flesh, which also has the same status as the flesh with regard to one who touches it.

הָיוּ עָלָיו כְּשְׁנֵי חֲצָאֵי זֵיתִים – מְטַמֵּא בְּמַשָּׂא וְלֹא בְּמַגָּע, דִּבְרֵי רַבִּי יִשְׁמָעֵאל. רַבִּי עֲקִיבָא אוֹמֵר: לֹא בְּמַגָּע וְלֹא בְּמַשָּׂא. וּמוֹדֶה רַבִּי עֲקִיבָא בִּשְׁנֵי חֲצָאֵי זֵיתִים שֶׁתְּחָבָן בְּקֵיסָם וֶהֱסִיטָן שֶׁהוּא טָמֵא, וּמִפְּנֵי מָה רַבִּי עֲקִיבָא מְטַהֵר בָּעוֹר – מִפְּנֵי שֶׁהָעוֹר מְבַטְּלָן.

If **upon** the hide **there were two half olive-bulks,**[H] the hide **imparts the impurity** of an unslaughtered carcass **by means of carrying,** because one moves them together, **but not by means of contact** with the flesh, because one touches them separately; this is **the statement of Rabbi Yishmael. Rabbi Akiva says:** The hide does not impart impurity, **neither by means of contact nor by means of carrying. And Rabbi Akiva concedes in** the case of **two half olive-bulks where one skewered them with a wood chip and moved them**[H] **that he is impure. And for what** reason **does Rabbi Akiva deem** one **ritually pure** in a case where he moved both half olive-bulks with **the hide,** as in that case, too, he moved them together? **It is because the hide** separates between them and **nullifies them.**

גמ׳ אֲמַר עוּלָּא, אֲמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא פְּלָטָתוֹ חַיָּה, אֲבָל פְּלָטָתוֹ סַכִּין – בָּטֵיל.

GEMARA The mishna teaches that in the case of a hide of an unslaughtered carcass upon which there is an olive-bulk of flesh, the flesh is not nullified by the hide, and therefore one who touches a strand of flesh emerging from the flesh is ritually impure. With regard to this section of the mishna, **Ulla said** that **Rabbi Yoḥanan said:** The Sages **taught** this *halakha* **only** in a case where **an animal severed** the piece of flesh, e.g., a dog bite. **But** if a person used **a knife** to **sever** the flesh, the flesh **is nullified** by the hide because the person nullified the flesh via his action.

HALAKHA

One who touches a strand of flesh emerging from the flesh, etc. – הַנּוֹגֵעַ בַּצִּיב הַיּוֹצֵא מִמֶּנּוּ וכו׳: In the case of a hide of an unslaughtered carcass upon which there is an olive-bulk of flesh, if one touches a strand emerging from the hide, or touches a hair that is on the side of the hide opposite the flesh, he is ritually impure. The reason is that both the hair and the hide serve the flesh as protection. This *halakha* applies only in a case where an animal severed the flesh, but if a person severed the flesh with a knife, the flesh is nullified by the hide (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:11 and *Kesef Mishne* there).

If upon the hide there were two half olive-bulks – הָיוּ עָלָיו כְּשְׁנֵי חֲצָאֵי זֵיתִים: If there were two half olive-bulks of the flesh of an animal carcass upon the hide, the hide nullifies them and they do not impart impurity, neither by means of contact nor by means of carrying, in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:12).

Two half olive-bulks where one skewered them with a wood chip and moved them – שְׁנֵי חֲצָאֵי זֵיתִים שֶׁתְּחָבָן בְּקֵיסָם וֶהֱסִיטָן: One who moves two half olive-bulks that are skewered with a wood chip is impure because he carried an olive-bulk of impurity. By contrast, one who touches them is pure because a man-made connection between two pieces of flesh is not considered a connection. This ruling is in accordance with the opinion of Rabbi Akiva. Furthermore, one becomes impure in such a case only when the two pieces were touching and he moved them as though they were one piece, but if the two pieces were not touching, one who moves them remains pure, in accordance with the explanation of Rav Pappa (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:12).

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אָמַר לֵיהּ רַב נַחְמָן לְעוּלָּא: אָמַר רַבִּי יוֹחָנָן אֲפִילּוּ כְּתַרְטָא? אָמַר לֵיהּ: אִין. וַאֲפִילּוּ בְּנִפְיָא? אָמַר לֵיהּ: אִין. אָמַר לֵיהּ: הָאֱלֹהִים! אִם אָמַר לִי רַבִּי יוֹחָנָן מִפּוּמֵיהּ, לָא צַיְיתְנָא לֵיהּ!

Rav Naḥman said to Ulla: Did Rabbi Yoḥanan say this *halakha* **even** with regard to a large piece of flesh the size of **a *tarta*,** i.e., a quarter of a *kav*? Ulla **said to him: Yes.** Rav Naḥman was surprised and asked: **And** did he say it **even** with regard to a piece of flesh the size of **a sifter?** Ulla **said to him: Yes.** Rav Naḥman swore and **said to him: By God!** Even **if Rabbi Yoḥanan had said** this statement **to me** directly **from his mouth, I would not have listened to him.**

כִּי סָלִיק רַב אוֹשַׁעְיָא אַשְׁכְּחֵיהּ לְרַבִּי אַמִּי, אֲמַרָה לִשְׁמַעֲתֵיהּ קַמֵּיהּ: הָכִי אָמַר עוּלָּא וְהָכִי אָהֲדַר לֵיהּ רַב נַחְמָן. אָמַר לֵיהּ: וּמִשּׁוּם דְּרַב נַחְמָן חֲתָנֵיהּ דְּבֵי נְשִׂיאָה הוּא, מְזַלְזֵל בִּשְׁמַעֲתֵיהּ דְּרַבִּי יוֹחָנָן?

When Rav Oshaya ascended from Babylonia to Eretz Yisrael **he found Rabbi Ami,** and **he said this *halakha* before him: This is what Ulla said and this is what Rav Naḥman responded to him.** Rav Oshaya **said to** Rabbi Ami: **And** just **because Rav Naḥman**[P] **is the son-in-law of the family of the *Nasi*, can he demean the halakhic statement of Rabbi Yoḥanan?**

זְמִנִּין אַשְׁכְּחֵיהּ דְּיָתֵיב וְקָאָמַר לָהּ אַסְּיָפָא: הָיוּ עָלָיו שְׁנֵי חֲצָאֵי זֵיתִים – מְטַמְּאִים בְּמַשָּׂא וְלֹא בְּמַגָּע, דִּבְרֵי רַבִּי יִשְׁמָעֵאל. רַבִּי עֲקִיבָא אוֹמֵר: לֹא בְּמַגָּע וְלֹא בְּמַשָּׂא.

Another **time** Rav Oshaya **found** Rabbi Ami **sitting and saying this** *halakha* **with regard to the latter clause** of the mishna: If **upon** the hide **there were two half olive-bulks,** the hide **imparts** the **impurity** of an unslaughtered carcass **by means of carrying but not by means of contact** with the flesh, because he touches them separately and moves them together; this is **the statement of Rabbi Yishmael. Rabbi Akiva says:** It imparts impurity **neither by means of contact nor by means of carrying.**

אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא פְּלָטָתוֹ חַיָּה, אֲבָל פְּלָטָתוֹ סַכִּין – בָּטֵיל.

With regard to this section of the mishna, **Rabbi Yoḥanan said:** The Sages **taught** Rabbi Yishmael's opinion that the hide imparts the impurity of an unslaughtered carcass by means of carrying **only** in a case where **an animal severed** the half olive-bulks of flesh from the animal. **But** if a person used **a knife** to **sever** the half olive-bulks of flesh, the flesh **is nullified.** If Rav Naḥman had heard that the statement of Rabbi Yoḥanan was stated with regard to a case of half olive-bulks of flesh, he would not have been surprised that this *halakha* also applies to pieces of flesh that amount together to the size of a *tarta* or a sifter.

אֲמַר לֵיהּ: מָר אַסְּיֵפָא מַתְנֵי לָהּ? אָמַר לֵיהּ: אִין, וְאֶלָּא עוּלָּא אֲרֵישָׁא אָמְרָהּ נִיהֲלֵיכוּ? אָמַר לֵיהּ: אִין. אָמַר לֵיהּ: הָאֱלֹהִים! אִי אָמַר לִי יְהוֹשֻׁעַ בִּן נוּן מִשְּׁמֵיהּ, לָא צַיְיתְנָא לֵיהּ!

Rav Oshaya **said to** Rabbi Ami: **Does the Master teach** this *halakha* **with regard to the latter clause** of the mishna but not with regard to the first section of the mishna that discusses the case of a complete olive-bulk of flesh? Rabbi Ami **said to him: Yes. But did Ulla say to you** this halakhic statement of Rabbi Yoḥanan in Babylonia **with regard to the first clause** of the mishna? Rav Oshaya **said to him: Yes.** Rabbi Ami **said to him:** If so, Rav Naḥman was justified in his surprise at the *halakha* of Rabbi Yoḥanan. **By God,** even **if Joshua, son of Nun, had said** this *halakha* **to me in his name,** i.e., from his own mouth, **I would not have listened to him.**[N]

כִּי אֲתָא רָבִין וְכָל נָחוֹתֵי אֲמַרוּהָ אֲרֵישָׁא. וְאֶלָּא קַשְׁיָא! כְּדַאֲמַר רַב פַּפָּא

When Ravin and all those descending from Eretz Yisrael **came** to Babylonia, **they stated** this *halakha* of Rabbi Yoḥanan **with regard to the first clause** of the mishna. The Gemara objects: **But** the matter is **difficult.** If an olive-bulk of flesh is nullified by being severed with a knife, the same should be true for larger measurements, such as a *tarta*, which is unreasonable, as people would not usually disregard such a large amount. The Gemara resolves this difficulty **in accordance with that which Rav Pappa said** with regard to a different matter:

PERSONALITIES

Rav Naḥman – רַב נַחְמָן: The Gemara is referring to Rav Naḥman bar Yaakov, one of the great *amora'im* of the second and third generation of scholars in Babylon. Rav Naḥman was the preeminent disciple of Rabba bar Avuh, who was a member of the family of the Exilarch, i.e., the *Nasi*. Some commentaries say that Rabba bar Avuh was himself the Exilarch. Rav Naḥman married Rabba bar Avuh's daughter, Yalta. Since Rav Naḥman was present for the legal proceedings that were held in the house of the Exilarch, Rav Huna said that the *halakha* is decided in accordance with his opinion because he was an expert judge.

NOTES

If Joshua son of Nun had said this *halakha* to me in his name, I would not have listened to him – אִי אָמַר לִי יְהוֹשֻׁעַ בִּן נוּן מִשְּׁמֵיהּ לָא צַיְיתְנָא לֵיהּ: The commentaries question why Rabbi Ami mentioned Joshua and not Moses. Some note that the early commentaries (*Orḥot Ḥayyim*) rule that if one says to another: I would not listen to you even if you were Moses, the speaker is liable to receive lashes for his act of degradation to Moses, the greatest prophet who ever lived. Therefore, Rabbi Ami mentions Joshua and not Moses (*Beit Yosef*, *Yoreh De'a* 242). Some later commentaries disagree with this ruling and hold that one who mentions Moses in such a manner is not liable to receive lashes because such a statement is not an act of degradation but rather an exaggeration employed to convey a point. These later authorities conclude that one who made such a statement should nevertheless at least fast for two non-consecutive days (*Yam shel Shlomo*).

Others explain this line of the Gemara according to the statement of the Rambam: Prophecy plays no role in the halakhic process. Therefore, Rabbi Ami is stating that even if Joshua decided the matter via prophecy, he would not heed his words. This principle is true only with regard to prophets other than Moses, because the prophecy of Moses constitutes the Torah itself (*Yosef Da'at*; *Megadim Ḥadashim* on tractate *Berakhot*).

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בִּמְרוּדָּד, הָכָא נַמִּי: בִּמְרוּדָּד.

The reference is **to a thin** layer of flesh attached to the hide. **Here, too,** the Gemara concludes that Rabbi Yoḥanan's statement is referring **to a thin** layer[N] of flesh attached to the hide. When a person severs such a piece of flesh along with the hide, even if the total volume of the flesh is an olive-bulk, or even a much larger measure, it is insignificant and is nullified by the hide.

״הָיוּ עָלָיו״.

§ The mishna teaches: If **upon** the hide **there were** two half olive-bulks, the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh; this is the statement of Rabbi Yishmael.

אָמַר בַּר פַּדָּא: לֹא שָׁנוּ אֶלָּא מֵאַחֲרָיו, אֲבָל מִלְּפָנָיו – יֵשׁ נוֹגֵעַ וְחוֹזֵר וְנוֹגֵעַ.

Bar Padda says: The Sages **taught** that Rabbi Yishmael holds that that hide does not impart impurity by means of contact **only** with regard to one who touched the hide **on the outside. But** if one directly touched the pieces of flesh **inside** the hide, even though he did not touch any one piece measuring an olive-bulk, he is impure. This is because **there is** a principle that if one **touches** an impure item measuring less than an olive-bulk **and again touches** another impure item[N] measuring less than an olive-bulk, he becomes impure, as the two instances of contact join together to constitute contact with the requisite measure of an olive-bulk.

וְרַבִּי יוֹחָנָן אָמַר: אֵין נוֹגֵעַ וְחוֹזֵר וְנוֹגֵעַ. וְאָזְדָא רַבִּי יוֹחָנָן לְטַעְמֵיהּ, דַּאֲמַר רַבִּי יוֹחָנָן: רַבִּי יִשְׁמָעֵאל וְרַבִּי דּוֹסָא בֶּן הָרְכִינָס אָמְרוּ דָּבָר אֶחָד.

And Rabbi Yoḥanan says: There is no such principle that if one **touches** an impure item **and again touches** another impure item that the two instances of contact join together to constitute contact with the requisite measure of an olive-bulk. **And Rabbi Yoḥanan follows his** line of **reasoning, as Rabbi Yoḥanan said: Rabbi Yishmael and Rabbi Dosa ben Harkinas said the same thing,** i.e., maintained the same principle.

רַבִּי יִשְׁמָעֵאל – הָא דַּאֲמַרַן, רַבִּי דּוֹסָא בֶּן הָרְכִינָס, דְּתָנַן: כָּל הַמְּטַמְּאִין בְּאֹהֶל שֶׁנֶּחְלְקוּ, וְהִכְנִיסָן לְתוֹךְ הַבַּיִת – רַבִּי דּוֹסָא בֶּן הָרְכִינָס מְטַהֵר, וַחֲכָמִים מְטַמְּאִים.

The statement of **Rabbi Yishmael is that which we said:** Two instances of contact do not join together to constitute contact with the requisite measure of impurity. The statement of **Rabbi Dosa ben Harkinas is** that **which we learned** in a mishna (*Oholot* 3:1): With regard to **any** part of a corpse that **imparts impurity in a tent,** i.e., that imparts impurity to any other item that is under the same roof, if that body part was **divided** into two pieces,[H] each measuring less than an olive-bulk, but together they constitute an olive-bulk, **and one placed** both pieces **inside the house, Rabbi Dosa ben Harkinas** rules that the two pieces do not join together to constitute the requisite measure of an olive-bulk. Therefore, he **deems** everything inside the house **pure. And the Rabbis** rule that the two pieces of the corpse join together to constitute an olive-bulk, and therefore they **deem** everything inside the house **impure.**

לָאו אָמַר רַבִּי דּוֹסָא בֶּן הָרְכִינָס הָתָם: אֵין מַאֲהִיל וְחוֹזֵר וּמַאֲהִיל, הָכָא נַמִּי: אֵין נוֹגֵעַ וְחוֹזֵר וְנוֹגֵעַ.

Didn't Rabbi Dosa ben Harkinas say in that mishna **there** that **there is no** such principle that a tent **overlies** an impure item **and again overlies** another impure item such that the two instances join together to constitute the requisite measure for impurity imparted in a tent? **Here, too,** Rabbi Dosa ben Harkinas would agree with Rabbi Yishmael that **there is no** such principle that if one **touches** an impure item **and again touches** another impure item that the two instances join together to constitute contact with the requisite measure of an olive-bulk.

וּמִדְּרַבִּי דּוֹסָא בֶּן הָרְכִינָס כְּרַבִּי יִשְׁמָעֵאל, רַבָּנַן – כְּרַבִּי עֲקִיבָא. וְהָא רַבִּי עֲקִיבָא טְהוֹרֵי קָא מְטַהַר!

The Gemara objects to the statement of Rabbi Yoḥanan: **Since** the opinion of **Rabbi Dosa ben Harkinas is in accordance with** the opinion of **Rabbi Yishmael,** so too, the opinion of **the Rabbis** who disagree with Rabbi Dosa ben Harkinas must be **in accordance with** the opinion of **Rabbi Akiva,** who disagrees with Rabbi Yishmael. **But doesn't Rabbi Akiva** rule more leniently than Rabbi Yishmael, as he **deems** one **pure** in both cases of contact and carrying, whereas the Rabbis rule more stringently than Rabbi Dosa ben Harkinas and deem everything in the house impure?

NOTES

Here, too, Rabbi Yoḥanan is referring to a thin layer – הָכָא נַמִּי בִּמְרוּדָּד: Rashi explains that the Gemara is referring to a thin layer of flesh spread out over a large area of the hide. Although a measure greater than an olive-bulk is present, no one wishes to exert themselves to extract such a piece of flesh from the hide, and therefore such a thin piece of flesh is nullified. This is only true if a human flayed the hide, but if an animal severed a hide attached to such a thin layer of flesh measuring more than an olive-bulk, it is not nullified because the person did not actively nullify it.

If one touches an impure item and again touches another impure item – יֵשׁ נוֹגֵעַ וְחוֹזֵר וְנוֹגֵעַ: Rashi explains bar Padda's distinction between one who touches the outside of the hide and one who touches the flesh inside the hide: The one who touches the outside of the hide does not touch the flesh directly, and since no one piece of flesh measures an olive-bulk, the hide is not considered to be a handle or protection for the flesh. Rashi points out: It was taught earlier (118b) that an appendage providing protection for the measure of a bean-bulk is considered protection with regard to imparting impurity; if so, the hide should be considered protection for a piece of flesh measuring less than an olive-bulk. Rashi answers that bar Padda is explaining the opinion of Rabbi Yishmael in accordance with the opinion that an appendage providing protection for a measure of less than an olive-bulk is not considered protection with regard to imparting impurity.

HALAKHA

Any part of a corpse that imparts impurity in a tent that was divided into two pieces, etc. – הַמְּטַמְּאִין בְּאֹהֶל שֶׁנֶּחְלְקוּ וכו׳: If any part of a corpse that imparts impurity in a tent is divided into two pieces, each measuring less than an olive-bulk, but together constituting an olive-bulk, and one placed both pieces inside the house, the two pieces of the corpse join together to constitute an olive-bulk, and therefore everything inside the house is impure. This ruling is in accordance with the opinion of the Rabbis in the *mishna* in tractate *Oholot*, which also appears in tractate *Eduyyot* (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:8).

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עַד כָּאן לָא קָא מְטַהֵר רַבִּי עֲקִיבָא אֶלָּא בָּעוֹר אֲבָל בְּעַלְמָא מְטַמֵּא. כִּדְקָתָנֵי סֵיפָא, וּמוֹדֶה רַבִּי עֲקִיבָא בִּשְׁנֵי חֲצָאֵי זֵיתִים שֶׁתְּחָבָן בְּקִיסָם וְהֶסִיטָן שֶׁהוּא טָמֵא, וּמִפְּנֵי מָה רַבִּי עֲקִיבָא מְטַהֵר בָּעוֹר – מִפְּנֵי שֶׁהָעוֹר מְבַטְּלָן.

The Gemara answers: **Rabbi Akiva deems** one who touches or carries the pieces of flesh **pure only** because they are nullified **by the hide. But in general** he holds that items join together to **impart impurity, as the latter clause** of the mishna **teaches: And Rabbi Akiva concedes in** the case of **two half olive-bulks where one skewered them with a wood chip and moved them that he is impure. And for what** reason **does Rabbi Akiva deem one ritually pure in** a case where he moved both half olive-bulks with **the hide?** It is **because the hide** separates between them and **nullifies them.**

מְתִיב רַב עוּקְבָא בַּר חָמָא: ״בִּנְבֵלָתָם״ – וְלֹא בְּעוֹר שֶׁיֵּשׁ עָלָיו שְׁנֵי חֲצָאֵי זֵיתִים.

Rav Ukva bar Ḥama raises an objection to the statement of bar Padda that Rabbi Yishmael maintains that two instances of contact with two pieces measuring less than an olive-bulk join together to constitute contact with the requisite measure of an olive-bulk. His objection is based on that which is taught in a *baraita*: It is written: "And by these you shall become impure; whoever touches **their carcass** shall be impure until evening. And whoever carries the carcass of them shall wash his clothes and be impure until evening" (Leviticus 11:24–25). It is derived from the term "their carcass" that one who touches the carcass itself becomes impure, **but** one who touches **a hide that has upon it two half olive-bulks** of flesh does **not** become impure.

יָכוֹל אַף בְּמַשָּׂא? תַּלְמוּד לוֹמַר: ״וְהַנּוֹשֵׂא... יִטְמָא״ – דִּבְרֵי רַבִּי יִשְׁמָעֵאל. רַבִּי עֲקִיבָא אוֹמֵר: ״הַנּוֹגֵעַ...וְהַנּוֹשֵׂא״, אֶת שֶׁבָּא לִכְלַל מַגָּע – בָּא לִכְלַל מַשָּׂא, לֹא בָּא לִכְלַל מַגָּע – לֹא בָּא לִכְלַל מַשָּׂא.

One **might** have thought that a hide that has upon it two half olive-bulks of flesh does not impart impurity **even by means of carrying.** Therefore, the continuation of **the verse states: "And whoever carries** the carcass of them **shall** wash his clothes and **be impure** until evening," from which it is derived that one who carries a carcass, even by means of the hide, becomes impure; this is **the statement of Rabbi Yishmael. Rabbi Akiva says:** The verse juxtaposes "**whoever touches**" with "**and whoever carries,**" indicating that **that which enters the category of** impurity via **contact, enters the category of** impurity via **carrying; that which does not enter the category of** impurity via **contact, does not enter the category of** impurity via **carrying.**

וְאִם אִיתָא, הֲרֵי בָּא לִכְלַל מַגָּע מִלְּפָנָיו!

Based on this *baraita*, one can object to the statement of bar Padda: **And if it is so** that Rabbi Yishmael maintains that two instances of contact with two pieces of flesh measuring less than an olive-bulk join together to constitute contact with the requisite measure of an olive-bulk, then the case of a hide that has upon it two half olive-bulks of flesh also **enters the category of** impurity transmitted by means of **contact** when one directly touches the flesh **inside** the hide. Therefore, why does Rabbi Akiva disagree with Rabbi Yishmael by stating that in this case there is no transmission of impurity by means of carrying because there is no transmission of impurity by means of contact?

אֲמַר רָבָא, הָכִי קָאָמַר: אֶת שֶׁבָּא לִכְלַל מַגָּע בְּכָל צַד – בָּא לִכְלַל מַשָּׂא, לֹא בָּא לִכְלַל מַגָּע בְּכָל צַד – לֹא בָּא לִכְלַל מַשָּׂא.

Rava said that **this** is what Rabbi Akiva **is saying: That which enters the category of** impurity via **contact in every manner,** even by touching the hide on the outside, **enters the category of** impurity via **carrying; that which does not enter the category of** impurity via **contact in every manner, does not enter the category of** impurity via **carrying.**

בְּעָא מִינֵּיהּ רַב אָוִיָּא סָבָא מֵרַבָּה בַּר רַב הוּנָא: קוּלִּית סְתוּמָה לְרַבִּי יִשְׁמָעֵאל, מַהוּ שֶׁתִּטַּמֵּא?

§ The Gemara continues to discuss the opinion of Rabbi Yishmael. **Rav Avya the Elder asked Rabba bar Rav Huna:**[P] The mishna below teaches that with regard to **a sealed thigh bone** of an unslaughtered carcass and of a creeping animal, where the bone is intact to the extent that there is no access to the marrow, which contains marrow inside but no flesh outside, one who touches it remains ritually pure because it does not enter the category of impurity via contact. **According to** the opinion of **Rabbi Yishmael, what is** the *halakha* as to whether it **imparts impurity** via carrying?

PERSONALITIES

Rabba bar Rav Huna – רַבָּה בַּר רַב הוּנָא: A third-generation Babylonian *amora*, Rabba bar Rav Huna studied under Rav and transmitted several statements in his name. He was a preeminent disciple of his father, Rav Huna, and there are several instances in the Talmud where Rav Huna offers him practical halakhic guidance. Rabba bar Rav Huna was a disciple-colleague of Rav Ḥisda, and a colleague of Rav Naḥman and Rabba, as well as a judge in the city of Sura after the death of his father. His son Abba was the *amora* Rava, whose statements are cited throughout the Talmud.

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אֵית לֵיהּ לְרַבִּי יִשְׁמָעֵאל אֶת שֶׁבָּא לִכְלַל מַגָּע – בָּא לִכְלַל מַשָּׂא, לֹא בָּא לִכְלַל מַגָּע – לֹא בָּא לִכְלַל מַשָּׂא. וְהָכָא הַיְינוּ טַעֲמָא – מִשּׁוּם דְּבָא לִכְלַל מַגָּע מִלְּפָנִים.

Perhaps **Rabbi Yishmael maintains** the principle: **That which enters the category of** impurity via **contact, enters the category of** impurity via **carrying; that which does not enter the category of** impurity via **contact, does not enter the category of** impurity via **carrying. And** therefore, **here,** in the *baraita* cited above, **this is the reason** that Rabbi Yishmael taught that one who carries a hide that has upon it two half olive-bulks of flesh becomes impure even though it does not enter the category of impurity via contact if one touched the outside of the hide: It is **because it enters the category of** impurity via **contact** if one directly touched the flesh **inside** the hide. Therefore, a sealed thigh bone, which does not enter the category of impurity via contact in any manner, does not enter the category of impurity via carrying either.

אוֹ דִלְמָא: לֵית לֵיהּ?

Or perhaps Rabbi Yishmael **does not maintain** this principle, and he would maintain that one who carries a hide that has upon it two half olive-bulks of flesh becomes impure even if it were not the case that it enters the category of impurity via contact if one directly touched the flesh inside the hide. And therefore, Rabbi Yishmael holds that a sealed thigh bone imparts impurity via carrying even though it does not enter the category of impurity via contact in any manner.

אֲמַר לֵיהּ: עוּרְבָא פָּרַח!

In an effort to evade the question, Rabba bar Rav Huna distracted Rav Avya the Elder and **said to him:** Look, **a raven flies** in the sky.

אֲמַר לֵיהּ רָבָא בְּרֵיהּ: וְלָאו הַיְינוּ רַב אָוְיָא סָבָא מִפּוּמְבְּדִיתָא דְּמְשַׁבַּח לָן מָר בְּגַוויהּ, דְּגַבְרָא רַבָּה הוּא? אֲמַר לֵיהּ: אֲנִי הַיּוֹם ״סַמְּכוּנִי בָּאֲשִׁישׁוֹת״, וּבָעָא מִינַּאי מִילְּתָא דְּבָעֵי טַעֲמָא.

Rava, son of Rabba bar Rav Huna, **said to** his father: **But isn't this Rav Avya the Elder of Pumbedita, whom the Master would praise to us,** saying **that he is a great man?** If so, why did you treat him in that manner and evade his question? Rabba bar Rav Huna **said to him: Today I am** in a state best described by the verse: "**Let me lean against the stout trunks;**[N] let me couch among the apple trees" (Song of Songs 2:5), meaning: I am tired, **and he asked me** about **a matter that requires reasoning** and careful examination, and therefore I could not provide an immediate answer.

אָמַר עוּלָּא: שְׁנֵי חֲצָאֵי זֵיתִים שֶׁתְּחָבָן בְּקֵיסָם, אֲפִילּוּ מוֹלִיךְ וּמֵבִיא כָּל הַיּוֹם כּוּלּוֹ – טָהוֹר.

§**Ulla says:** With regard to **two half olive-bulks that one skewered with a wood chip, even** if one **moves them back and forth the entire day,** he does not contract impurity via carrying, and **he is pure.**

מַאי טַעֲמָא – כְּתִיב ״וְנָשָׂא״ וְקָרֵינַן ״נוֹשֵׂא״, בָּעֵינַן נוֹשֵׂא – וְהוּא דְּנִישָּׂא בְּבַת אַחַת.

The Gemara explains: **What is the reason?** With regard to impurity transmitted by carrying **it is written:** "And one who carries [*vahannosei*] its carcass shall wash his clothes and be impure until evening" (Leviticus 11:40). The words "and who carries" in the term "and one who carries" is **written** *vav, nun, sin, alef,* which can be read ***venisa,*** meaning: Is carried; **but** according to the traditional vocalization **we read** the word as ***nosei,*** meaning: Carries. From here it is derived that with regard to impurity transmitted by carrying **we require** that one **carry** [***nosei***] the requisite measure of impurity of a carcass, i.e., an olive-bulk, **and that** that olive-bulk **be capable of being carried** [***nissa***] **all at once,** without the assistance of a utensil. This requirement is not met with regard to two half olive-bulks that one skewered with a wood chip, which are carried only with the assistance of a utensil.

תְּנַן: הָיוּ עָלָיו שְׁנֵי חֲצָאֵי זֵיתִים מְטַמְּאִין בְּמַשָּׂא וְלֹא בְּמַגָּע, דִּבְרֵי רַבִּי יִשְׁמָעֵאל. אַמַּאי? וְהָא לָאו נִישָּׂא הוּא!

The Gemara objects to Ulla's statement: **We learned** in the mishna that if **upon** the hide **there were two half olive-bulks,** the hide **imparts the impurity** of an unslaughtered carcass **by means of carrying but not by means of contact** with the flesh; this is **the statement of Rabbi Yishmael. Why** does it impart impurity by means of carrying? **This** case **does not** fulfill the requirement that an olive-bulk of impure flesh **be capable of being carried** all at once without the assistance of a utensil, as the hide is needed to carry them.

אָמַר רַב פַּפָּא: בִּמְרוּדָּד.

Rav Pappa says: The mishna is discussing a case **where a thin** layer of flesh was attached to the hide.[N] Despite the fact that there is not one piece of flesh the size of an olive-bulk, the two half olive-bulks are connected by a strip of thin flesh which enables the two pieces to be carried at once without the assistance of the hide. Therefore, the pieces impart impurity by means of carrying but not by means of contact.

NOTES

Let me lean against the stout trunks – אֲנִי הַיּוֹם סַמְּכוּנִי בָּאֲשִׁישׁוֹת: The incident in the Gemara took place during the Shabbat of a pilgrimage Festival, and Rabba bar Rav Huna was exhausted from his public speaking engagements (Rashi).

Rav Pappa says: The mishna is discussing a case where a thin layer was attached to the hide – אָמַר רַב פַּפָּא בִּמְרוּדָּד: Rashi explains the answer of Rav Pappa: The mishna is discussing a case where there are two half olive-bulks of flesh connected by a thin strip of flesh. Since the two pieces of flesh are connected in this manner, there is an olive-bulk of flesh being carried all at once, and therefore the flesh imparts impurity by carrying. The early commentaries question why the two half olive-bulks of flesh that are connected by a thin strip of flesh are considered one piece with regard to imparting impurity via carrying and not via contact. They answer that Rav Pappa holds that with regard to imparting impurity via contact, two pieces are considered to have a connection only if they remain connected when one of the sections is lifted. If one lifts one piece and the other is not lifted along with it, then they are not considered to have a connection. This is true only with regard to impurity imparted via contact, but with regard to impurity imparted via carrying, it is sufficient for an olive-bulk of flesh to be present all at once (*Tosafot*).

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תָּא שְׁמַע: מוֹדֶה רַבִּי עֲקִיבָא בִּשְׁנֵי חֲצָאֵי זֵיתִים שֶׁתְּחָבָן בְּקִיסָם וְהֵסִיטָן שֶׁהוּא טָמֵא, אַמַּאי? וְהָא לָאו נִישָּׂא הוּא! הָכִי נַמִּי בִּמְרוּדָּד.

The Gemara suggests: **Come** and **hear** a refutation to the opinion of Ulla from that which is stated in the mishna: **Rabbi Akiva concedes in** the case of **two half olive-bulks where one skewered them with a wood chip and moved them that he is impure. Why? This** case **does not** fulfill the requirement that an olive-bulk of impure flesh **be capable of being carried** all at once without the assistance of a utensil. The Gemara rejects this refutation: **Here too,** with regard to the statement of Rabbi Akiva, the mishna is discussing a case **of a thin** layer of flesh connecting the two pieces.

כְּתַנָּאֵי: אֶחָד הַנּוֹגֵעַ וְאֶחָד הַמַּסִּיט, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אַף הַנּוֹשֵׂא. אַטּוּ נוֹשֵׂא לָאו מַסִּיט הוּא?

The Gemara suggests: The opinion of Ulla is **like** one side of a dispute between ***tanna'im,*** as it is taught in a *baraita*: With regard to two pieces of flesh, neither of which measures an olive-bulk, both **one who touches and one who moves** the pieces is impure. **Rabbi Eliezer says: Even one who carries** the pieces is impure. The Gemara asks: What is added by the statement of Rabbi Eliezer? **Is that to say** that **carrying is not** the same as **moving?**

אֶלָּא לָאו הָכִי קָאָמַר: אֶחָד הַנּוֹגֵעַ וְאֶחָד הַמַּסִּיט בִּלָּא נִישָּׂא, וַאֲתָא רַבִּי אֱלִיעֶזֶר לְמֵימַר: וְהוּא דְּנִישָּׂא, וּמַאי "אַף"? אֵימָא: וְהוּא דְּנִישָּׂא.

Rather, isn't this what the *baraita* **is saying:** Both **one who touches and one who moves** pieces of flesh is impure even if an olive-bulk of flesh **is not capable of being carried** without the assistance of a utensil? **And Rabbi Eliezer comes to say:** One becomes impure only if an olive-bulk of flesh **is capable of being carried** without the assistance of a utensil. The Gemara asks: **But** if the intention of Rabbi Eliezer's statement is to qualify the statement of the Rabbis, **what** is the meaning of the word **even?** Rather, **say** the statement of Rabbi Eliezer differently: One is impure only if an olive-bulk of flesh **is capable of being carried** without the assistance of a utensil.

מתני' קוּלִית הַמֵּת

MISHNA

With regard to **the thigh bone of** a human **corpse,**

Perek **IX**
Daf **125** Amud **a**

וְקוּלִית הַמּוּקְדָּשִׁין, הַנּוֹגֵעַ בָּהֶן, בֵּין סְתוּמִים בֵּין נְקוּבִים – טָמֵא.

and the thigh bone of a sacrificial animal[H] that was rendered unfit as *piggul*, i.e., an offering that was sacrificed with the intent to consume it after its designated time, or *notar*, i.e., part of an offering left over after the time allotted for its consumption, **whether** these thigh bones were **sealed** and there was no access to the marrow, or **whether** they were **perforated** and there was access to the marrow, **one who touches them is ritually impure.**[N] The reason is that a piece of bone of a corpse the size of a barley grain imparts impurity, and the bone of a sacrificial animal that was disqualified in this manner imparts impurity by rabbinic decree via contact.

HALAKHA

The thigh bone of a sacrificial animal – קוּלִית הַמּוּקְדָּשִׁין: If one touches the thigh bone of a sacrificial animal that was disqualified as *piggul* or *notar*, which render those who touch them impure by rabbinic decree, he is ritually impure, even if the bone was sealed and there was no access to the marrow (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 8:4).

NOTES

And the thigh bone of a sacrificial animal…one who touches them is ritually impure – וְקוּלִית הַמּוּקְדָּשִׁין הַנּוֹגֵעַ בָּהֶן… טָמֵא: Rabbi Ovadya Bartenura explains that the mishna is not referring exclusively to the thigh bone, but rather to any bone containing marrow. In addition, he explains that there is a distinction between the bone of a corpse and that of a sacrificial offering. The bone of a corpse imparts impurity even if it does not contain marrow because the bone itself imparts impurity, as it is written: "And whoever in the open field touches one who was slain with a sword, or one who died of himself, or a bone of a man, or a grave, shall be impure seven days" (Numbers 19:16). By contrast, it is by rabbinic decree that bones of offerings that contained *notar* and *piggul* render hands impure, and therefore they impart impurity only if they contain marrow or flesh.

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קוּלִית נְבֵלָה וְקוּלִית הַשֶּׁרֶץ, הַנּוֹגֵעַ בָּהֶם סְתוּמִים – טְהוֹרִים, נְקוּבִים כָּל שֶׁהוּא – מְטַמֵּא בְּמַגָּע, מִנַּיִן שֶׁאַף בְּמַשָּׂא – תַּלְמוּד לוֹמַר ״הַנֹּגֵעַ...וְהַנֹּשֵׂא״, אֶת שֶׁבָּא לְכְלַל מַגָּע – בָּא לִכְלַל מַשָּׂא, לֹא בָּא לִכְלַל מַגָּע – לֹא בָּא לִכְלַל מַשָּׂא.

With regard to **the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal,**[N] **one who touches them** when they are **sealed** remains **ritually pure.** If one of these thigh bones was **perforated at all, it imparts impurity via contact,** as in that case contact with the bone is tantamount to contact with the marrow. **From where** is it derived **that even with regard to** impurity transmitted via **carrying**[N] there is a distinction between sealed and perforated thigh bones? It is derived from a verse, as **the verse states:** "**One who touches** the carcass thereof shall be impure until the evening; **and one who carries** the carcass thereof shall be impure until the evening" (Leviticus 11:39–40), indicating: **That which enters the category of** impurity via **contact, enters the category of** impurity via **carrying; that which does not enter the category of** impurity via **contact, does not enter the category of** impurity via **carrying.**

גמ׳ נוֹגֵעַ – אִין, אֲבָל מַאֲהִיל – לָא.

GEMARA The mishna teaches that one who touches the thigh bone of a human corpse is ritually impure, whether or not it was sealed. The Gemara infers that with regard to one who **touches** the bone, **yes,** he is impure, **but** one who **overlies** the thigh bone is **not** impure, as it does not transmit impurity to that which is above it or under the same roof.

הֵיכִי דָּמֵי? אִי דְּאִיכָּא כַּזַּיִת בָּשָׂר – בְּאוֹהֶל נַמִּי לִיטַמֵּא! דְּלֵיכָּא כַּזַּיִת בָּשָׂר.

The Gemara asks: **What are the circumstances? If there is an olive-bulk of flesh** attached to the bone then **it should transmit impurity in a tent,** i.e., to that which is under the same roof, **as well.** The Gemara answers: The mishna is discussing a case **where there is not an olive-bulk of flesh** attached to the bone.

וְאִי דְּאִיכָּא כַּזַּיִת מוֹחַ מִבִּפְנִים – טוּמְאָה בּוֹקַעַת וְעוֹלָה, בְּאוֹהֶל נַמִּי לִיטַמֵּא! דְּלֵיכָּא כַּזַּיִת מוֹחַ מִבִּפְנִים.

The Gemara objects: **But if there is an olive-bulk of marrow inside** the bone,[H] **the impurity breaks through** the bone, so to speak, **and ascends** beyond it. Therefore, **it should transmit impurity in a tent as well.** The Gemara explains: The mishna is discussing a case **where there is not an olive-bulk of marrow inside** the bone.

HALAKHA

But if there is an olive-bulk of marrow inside the bone – וְאִי דְּאִיכָּא כַּזַּיִת מוֹחַ מִבִּפְנִים: The halakhic status of marrow is like that of flesh. Therefore, an olive-bulk of marrow from an animal carcass imparts impurity to a person and vessels via contact and to a clay vessel via its airspace. It also imparts impurity to a person via carrying and thereby imparts impurity to garments, similar to the riding seat of a *zav* (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:1, 4).

NOTES

The thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal – קוּלִית נְבֵלָה וְקוּלִית הַשֶּׁרֶץ: The bones of an animal carcass and a creeping animal, unlike the bones of a human corpse, do not impart impurity unless they are attached to flesh or contain marrow. Therefore, one who touched the sealed bone of a carcass or a creeping animal remains pure. Rashi questions why the bone is not considered as protection that imparts impurity, as it provides protection for the marrow. Rashi answers that an appendage that provides protection is considered protection with regard to imparting impurity only in a case where it is possible to come in contact with the flesh directly. In the case of a sealed thigh bone, where it is impossible to come in contact with the marrow directly, the bone does not impart impurity by carrying or contact.

From where is it derived that even with regard to impurity transmitted via carrying – מִנַּיִן שֶׁאַף בְּמַשָּׂא: The commentaries point out that this question in the mishna is referring to a carcass, which imparts impurity via carrying, but not to a creeping animal, which does not impart impurity via carrying (Rabbi Ovadya Bartenura).

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וְאִי מוֹחַ מְבַפְנִים מַעֲלֶה אֲרוּכָה מִבַּחוּץ, אֵבֶר מְעַלְיָא הֵיא, בְּאוֹהֶל נַמִּי לִיטַמֵּא! אָמַר רַב יְהוּדָה בְּרֵיהּ דְּרַבִּי חִיָּיא: זֹאת אוֹמֶרֶת, מוֹחַ בְּפָנִים אֵינוֹ מַעֲלֶה אֲרוּכָה מִבַּחוּץ.

The Gemara objects: **But if** the mishna maintains that **marrow inside** the bone of a living person **heals** the flesh **outside** the bone,[H] then since the marrow could replenish itself and catalyze the growth of flesh on the bone **it is a proper limb.** Therefore, as is the case with any piece of a proper limb, even one less than the size of an olive-bulk, **it should transmit impurity in a tent as well. Rav Yehuda, son of Rabbi Ḥiyya, says: That is to say** that the mishna maintains that **marrow inside** the bone **does not heal** the flesh **outside** the bone.

בְּמַאי אוֹקֵימְתָּא – דְּלֵיכָּא כַּזַּיִת, אִי הָכִי, בִּמְוקְדָּשִׁים אַמַּאי מְטַמֵּא?

The Gemara asks: **To what** case **did you interpret** the mishna to be referring? It is a case **where there is not an olive-bulk** of marrow. **If so, in** the case of **a sacrificial animal, why does** the thigh bone **impart impurity?** The Sages issued a decree that the bones of a sacrificial animal that are attached to flesh or contain marrow that became *piggul* or *notar* render those who touch them impure, as they serve as handles or protection for the flesh or marrow. By contrast, in this case there can be no *piggul* or *notar* because there is less than an olive-bulk of flesh or marrow.

וְתוּ, קוּלִית נְבֵלָה וְקוּלִית הַשֶּׁרֶץ כִּי נִיקְּבוּ אַמַּאי מְטַמְּאוּ?

And furthermore, if the mishna is discussing a case where there is not an olive-bulk of marrow, **why do the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal impart impurity** in a case **when they were perforated?**

הָא לָא קַשְׁיָא, רֵישָׁא – דְּלֵיכָּא כַּזַּיִת, סֵיפָא – דְּאִיכָּא כַּזַּיִת, וּמַאי קָא מַשְׁמַע לָן? מִילֵּי מִילֵּי קָא מַשְׁמַע לָן.

The Gemara answers: **That** is **not difficult. The first clause** of the mishna, which discusses the thigh bone of a corpse, is referring to a case **where there is not an olive-bulk** of marrow. **The latter clause** of the mishna, which discusses the thigh bones of a sacrificial animal, an unslaughtered carcass, and a creeping animal, is referring to a case **where there is an olive-bulk** of marrow. **And** accordingly, **what is** the *tanna* of the mishna **teaching us? He is teaching us several** distinct **matters** separately, as follows.

רֵישָׁא קָא מַשְׁמַע לָן – דְּמוֹחַ מְבַפְנִים אֵינוֹ מַעֲלֶה אֲרוּכָה מִבַּחוּץ. מוּקְדָּשִׁין מַאי קָא מַשְׁמַע לָן? שִׁימּוּשׁ נוֹתָר מִילְתָא הִיא. דַּאֲמַר מָרִי בַּר אֲבוּהּ, אֲמַר רַבִּי יִצְחָק: עַצְמוֹת קָדָשִׁים שֶׁשִּׁימְּשׁוּ נוֹתָר – מְטַמְּאִין אֶת הַיָּדַיִם, הוֹאִיל וְנַעֲשָׂה בָּסִיס לַדָּבָר הָאָסוּר.

In **the first clause he is teaching us that the marrow inside** the bone **does not heal** the flesh **outside** the bone. With regard to the thigh bone of **sacrificial** animals, **what is he teaching us?** He is teaching us that a bone that **serves** as a handle or protection for flesh or marrow that became ***notar* is significant** and imparts impurity, **as Mari bar Avuh said** that **Rabbi Yitzḥak said: Bones of sacrificial** animals **that served** as a handle for ***notar,*** meaning that they have leftover meat on them or inside them after the allotted time for its consumption, **transmit impurity to the hands** of those who handle them, just as the leftover sacrificial meat itself transmits impurity to the hands. **Since** the bones **have become a base for** an intrinsically **forbidden object,** they are treated in the same manner as the forbidden object itself.

נְבֵלָה אַף עַל גַּב דְּאִיכָּא כַּזַּיִת, נִיקְּבָה – אִין, לֹא נִיקְּבָה – לָא.

Next, the *tanna* of the mishna teaches that with regard to the thigh bone of **an unslaughtered carcass, even if there is an olive-bulk** of marrow inside, if it **was perforated** it **does** impart impurity, but if it **was not perforated,** it does **not** impart impurity.

אַבַּיֵי אָמַר: לְעוֹלָם מוֹחַ מְבַפְנִים מַעֲלֶה אֲרוּכָה מִבַּחוּץ, וְהָכָא בְּמַאי עָסְקִינַן – בְּשֶׁשָּׁפָה,

Abaye said: Actually, the *tanna* of the mishna maintains that **marrow inside** the bone **heals** the flesh **outside** the bone. **And** with regard to the consequent assertion: If so, the thigh bone should impart impurity in a tent as well, the explanation is that **here we are dealing with** a case **where one scraped** the bone. Therefore, the flesh and the marrow can no longer heal, and the bone is not considered a proper limb that imparts impurity in a tent.

וְכִדְרַבִּי אֶלְעָזָר. דַּאֲמַר רַבִּי אֶלְעָזָר: קוּלִית שֶׁשָּׁפָה לְאָרְכָּהּ – טְמֵאָה, לְרָחְבָּהּ – טְהוֹרָה, וְסִימָנֶיךָ: דִּיקְלָא.

And this mishna is **in accordance with** the opinion **of Rabbi Elazar, as Rabbi Elazar said: A thigh bone that one scraped lengthwise is impure** like a limb. Even if it is not attached to flesh or marrow, a bone scraped in such a manner still has the ability to heal. But if one scraped it **widthwise** it will not heal and is therefore **pure. And your mnemonic** to remember which can heal and which cannot is **a palm tree,** because if one sawed a strip off of a palm tree lengthwise it can heal, but if one did so widthwise, i.e., one sawed a strip off of the circumference of the tree, the flow of sap is disrupted and the tree cannot heal.

HALAKHA

Marrow inside the bone heals the flesh outside the bone – מוֹחַ מְבַפְנִים מַעֲלֶה אֲרוּכָה מִבַּחוּץ: Marrow inside the bone heals the flesh outside the bone. Therefore, a thigh bone containing enough marrow to heal the flesh is considered a limb of a corpse and imparts impurity via contact, carrying, and via impurity in a tent. Similarly, such a thigh bone of an animal carcass imparts impurity via contact and carrying, and such a thigh bone of a creeping animal imparts impurity via contact. This ruling is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:5 and *Hilkhot She'ar Avot HaTumot* 2:11, 4:9).

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וְרַבִּי יוֹחָנָן אָמַר: לְעוֹלָם דְּאִיכָּא כַּזַּיִת, וּמוֹחַ מִבִּפְנִים מַעֲלֶה אֲרוּכָה מִבַּחוּץ, וּמַאי ״נוֹגֵעַ״ דְּקָתָנֵי – מַאֲהִיל.

And Rabbi Yoḥanan said: Actually, the mishna is discussing a case **where there is an olive-bulk** of marrow in the bone. **And** the *tanna* of the mishna also holds that **marrow inside** the bone **heals** the flesh **outside** the bone. And as for the consequent assertion: If so, the bone should transmit impurity in a tent, in fact the bone does impart impurity in a tent. **And** to **what** is the mishna referring **when it teaches** that one who **touches** the bone is ritually impure? It is also referring to one who **overlies** the bone.

וְאִי מוֹחַ מִבִּפְנִים מַעֲלֶה אֲרוּכָה מִבַּחוּץ, קוּלִית נְבֵלָה וְקוּלִית הַשֶּׁרֶץ כִּי לֹא נִקְּבוּ אַמַּאי טְהוֹרִים?

The Gemara asks: **But if the marrow inside** the bone **heals** the flesh **outside** the bone, **why** does the mishna teach that **the thigh bone of a carcass and the thigh bone of a creeping animal are pure when they were not perforated?**

אָמַר רַבִּי בִּנְיָמִין בַּר גִּיֵּדֵל, אָמַר רַבִּי יוֹחָנָן: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּאִיכָּא כַּזַּיִת מוֹחַ הַמִּתְקַשְׁקֵשׁ, גַּבֵּי מֵת – טוּמְאָה בּוֹסַעַת וְעוֹלָה, נְבֵלָה כֵּיוָן דְּמִתְקַשְׁקֵשׁ הוּא, נִיקְּבָה – אִין, לֹא נִיקְּבָה – לָא.

Rabbi Binyamin bar Giddel said that **Rabbi Yoḥanan said: Here we are dealing with** a case **where there is an olive-bulk of marrow that** has become detached and **is rattling**[N] inside the bone. **With regard to** impurity imparted by **a corpse, the impurity breaks through** the bone **and ascends,** and it therefore transmits impurity in a tent. But with regard to the impurity of **a carcass, since** the marrow **is** loose and **rattling,** it will not heal. Therefore, if the bone **was perforated** and it is possible to touch the marrow, the bone **does** impart impurity. But if the bone **was not perforated** it does **not** impart impurity.

אָמַר רַבִּי אָבִין וְאִיתֵימָא רַבִּי יוֹסֵי בַּר אָבִין, אַף אֲנַן נַמִּי תָּנֵינָא: הַנּוֹגֵעַ בְּכַחֲצִי זַיִת וּמַאֲהִיל עַל חֲצִי זַיִת, אוֹ חֲצִי זַיִת מַאֲהִיל עָלָיו – טָמֵא.

According to Rabbi Yoḥanan, overlying is referred to as touching in the mishna. **Rabbi Avin said, and some say** it was **Rabbi Yosei bar Avin** who said: **We learn** in a mishna **as well** (*Oholot* 3:1): In the case of **one who touches** with one hand **half an olive-bulk** of a corpse **and** simultaneously his other hand **overlies half an olive-bulk**[H] **or half an olive-bulk** of flesh from a corpse **overlies him, he is impure.**

אִי אָמְרַתְּ בִּשְׁלָמָא חַד שְׁמָא הוּא – מְשׁוּם הָכִי מִצְטָרֵף.

Granted, if you say that impurity via contact and impurity transmitted in a tent or to one overlying a part of the corpse are **one concept,** it **is due to that** reason that the half olive-bulk of impurity that he touched and the half olive-bulk of impurity that he overlaid **join together** to constitute the requisite measure of an olive-bulk.

אֶלָּא אִי אָמְרַתְּ תְּרֵי שְׁמֵי נִינְהוּ, מִי מִצְטָרֵף? וְהָתְנַן: זֶה הַכְּלָל, כָּל שֶׁהוּא מִשֵּׁם אֶחָד – מִצְטָרֵף וְטָמֵא, מִשְּׁנֵי שֵׁמוֹת – טָהוֹר!

But if you say that **they are two concepts,** how **can they join together? But didn't we learn** in that mishna (*Oholot* 3:1): **This is the principle: Any** impure items lacking the requisite volume to have impure status on their own **that are of one concept join together and are impure;** if they are **of two concepts,**[H] they do not join together and remain **pure?** Apparently, touching and overlying a corpse create the same type of impurity, and therefore overlying is referred to as touching in the mishna here.

אֶלָּא מַאי, חַד שְׁמָא הוּא? אֵימָא סֵיפָא: אֲבָל הַנּוֹגֵעַ בְּכַחֲצִי זַיִת, וְדָבָר אַחֵר מַאֲהִיל עָלָיו וְעַל כַּחֲצִי זַיִת – טָהוֹר.

The Gemara challenges: **Rather, what** is the alternative? **Is it one concept** that comprises both touching and overlying? **Say the latter clause** of the mishna in tractate *Oholot*: **But** in the case of **one who touches half an olive-bulk** of flesh from a corpse **and** simultaneously **another item overlies** both **him and half an olive-bulk**[H] of flesh from a corpse, he remains **pure.**[N]

NOTES

Here we are dealing with a case where there is an olive-bulk of marrow that is rattling – הָכָא בְּמַאי עָסְקִינַן כְּגוֹן דְּאִיכָּא כַּזַּיִת מוֹחַ הַמִּתְקַשְׁקֵשׁ: Commentaries ask why Rabbi Yoḥanan did not accept the explanation of Abaye that the mishna is discussing a case where one scraped the bone. They answer that perhaps Rabbi Yoḥanan disagrees with Abaye and holds that even after one scraped the bone, the bone is still able to be healed by the flesh and marrow. By contrast, when the marrow inside the bone is detached and rattling around, it is clear that the bone cannot be healed by the flesh and marrow (*Tosafot*).

HALAKHA

One who touches half an olive-bulk and overlies half an olive-bulk, etc. – הַנּוֹגֵעַ בְּכַחֲצִי זַיִת וּמַאֲהִיל עַל חֲצִי זַיִת וכו׳: If one touches with one hand half an olive-bulk of a corpse while his other hand overlies half an olive-bulk, or while half an olive-bulk of a flesh from a corpse overlies him, remains pure. The reason is that impurity via contact does not join together with impurity imparted in a tent to constitute the requisite measure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:14).

Any impure items that are of one concept…of two concepts – כָּל שֶׁהוּא מִשֵּׁם אֶחָד...מִשְּׁנֵי שֵׁמוֹת: Impurity transmitted via contact, via carrying, and imparted in a tent are three separate concepts or categories of impurity. Any impure items lacking the requisite volume to have impure status on their own that are of one concept join together and are impure; if they are of two concepts, they do not join together and remain pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:14).

Perek **IX**
Daf **125** Amud **b**

HALAKHA

One who touches half an olive-bulk of flesh and another item overlies him and half an olive-bulk – הַנּוֹגֵעַ בְּכַחֲצִי זַיִת וְדָבָר אַחֵר מַאֲהִיל עָלָיו וְעַל כַּחֲצִי זַיִת: If one touches or carries half an olive-bulk of flesh from a corpse and simultaneously another item overlies him and half an olive-bulk of flesh from a corpse, he remains pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:14).

NOTES

One who touches half an olive-bulk and another item overlies him and half an olive-bulk, he remains pure – הַנּוֹגֵעַ בְּכַחֲצִי זַיִת וְדָבָר אַחֵר מַאֲהִיל עָלָיו וְעַל כַּחֲצִי זַיִת טָהוֹר: The mishna (*Oholot* 3:1) teaches an additional case: If a person overlies half an olive-bulk of the flesh of a corpse and simultaneously another item overlies him and half an olive-bulk of the flesh of a corpse, he remains pure despite the fact that imparting impurity via contact is not present in this case. The reason is that although both half olive-bulks impart impurity in a tent, they are two different categories of imparting impurity in a tent.

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וְאִי חַד שְׁמָא הוּא, אַמַּאי טָהוֹר? אֶלָּא קַשְׁיָא רֵישָׁא!

But if impurity via contact and via a tent are considered **one concept, why** does he remain **pure? Rather,** based on the latter clause of the mishna, **the first clause** of the mishna is **difficult,** because it indicates that these two categories of impurity are considered one concept and join together to constitute the requisite measure for impurity.

אָמַר רַבִּי זֵירָא: בְּטוּמְאָה רְצוּצָה בֵּין שְׁנֵי מִגְדָּלִים עָסְקִינַן, וְאֵין בֵּינֵיהֶן פּוֹתֵחַ טֶפַח, דְּכוּלָּהּ נְגִיעָה הִיא.

Rabbi Zeira said: In the first clause of the mishna **we are dealing with** a case where the source of **impurity is pressed**[N] **between two** wooden **chests**[N] **and there is no opening of** one **handbreadth in between** the chests. When the hand of a person overlies the chests, the impurity of the pressed item rises beyond the chests and it transmits impurity to the person. Therefore, his interaction with **all** the sources **of** impurity is considered **as** though he **is touching** them simultaneously. Consequently, there is no proof in the mishna for the opinion of Rabbi Yoḥanan that imparting impurity via contact and via a tent are considered the same concept.

וּמַאן תַּנָּא דְּקָרֵי לְאוֹהֶל ״נוֹגֵעַ״ – רַבִּי יוֹסֵי הִיא, דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: מְלֹא תַרְוָד רָקָב – מְטַמֵּא בְּמַגָּע וּבְמַשָּׂא וּבְאֹהֶל,

Therefore, the Gemara asks: **Who is the *tanna* who refers to** impurity imparted in **a tent** as one who **touches** [***noge'a***]**?** The Gemara answers: **It is Rabbi Yosei, as it is taught** in a *baraita* (*Tosefta*, *Oholot* 4:1): **Rabbi Yosei says: A full ladle** [***tarvad***][B] **of dust** from a corpse **imparts impurity** like the corpse itself in three ways: **By contact** [***bemagga***]**, and by carrying, and in a tent.**[H]

בִּשְׁלָמָא בְּמַשָּׂא וּבְאֹהֶל, הָא – קָא טָעֵין לֵיהּ לְכוּלֵּיהּ, וְהָא – קָא מַאֲהִיל אַכּוּלֵּיהּ. אֶלָּא נוֹגֵעַ, הָא לָא נָגַע בְּכוּלֵּיהּ! אֶלָּא לָאו שְׁמַע מִינָּהּ: מַאי ״נוֹגֵעַ״ – מַאֲהִיל.

Granted, the dust of a corpse imparts impurity **via carrying and in a tent; this** one who carries it **carries the entire** amount of dust **and that** one who overlies the dust **overlies all of it. But** with regard to one who **touches** it, **one does not touch all of** the dust, and it should therefore be impossible for one to become impure via contact. **Rather, isn't it** correct to **conclude from** this *baraita*: To **what** is the term ***noge'a*** referring? It is referring to one who **overlies** the dust.

וְהָא קָתָנֵי ״נוֹגֵעַ״, וְהָא קָתָנֵי מַאֲהִיל! אֲמַר אַבָּיֵי: לְמַטָּה מִטֶּפַח – אוֹהֶל נְגִיעָה, לְמַעְלָה מִטֶּפַח – אוֹהֶל גְּרִידָא.

The Gemara asks: How is it possible to explain the *baraita* in such a manner? **But doesn't** Rabbi Yosei **teach** the case of one who **touches** separately, **and doesn't he teach** the case of one who **overlies** separately? Therefore, the term *noge'a* cannot be referring to overlying. **Abaye said:** That is not difficult because there are two types of overlying. With regard to a tent that overlies impurity at a height of **below** one **handbreadth,** that **tent** is referred to as **touching.** But a tent that overlies impurity at a height of **above** one **handbreadth** is referred to as **merely a tent.**

רָבָא אָמַר: אֲפִילּוּ לְמַעְלָה מִטֶּפַח נַמִּי אוֹהֶל נְגִיעָה הוּא. וְהֵיכִי דָּמֵי אוֹהֶל גְּרִידָא – בְּהַמְשָׁכָה.

Rava said: According to Rabbi Yosei, **even a tent** that overlies impurity at a height **above** one **handbreadth is** referred to as **touching. And what are the circumstances of** a tent that is referred to as **merely a tent** and not as touching? The term tent is referring to the case of a structure that overlies both a person and a source of impurity, thereby **spreading** the impurity from its source to the person.

אָמַר רָבָא, מְנָא אָמִינָא לָהּ? דְּתַנַּן, רַבִּי יוֹסֵי אוֹמֵר: חֲבִילֵי מַטָּה וּסְרִיגֵי חַלּוֹנוֹת – חוֹצְצִין בֵּין הַבַּיִת לָעֲלִיָּיה שֶׁלֹּא לְהַכְנִיס טוּמְאָה לְצַד שֵׁנִי.

Rava said: From where do I say my opinion? It is **as we learned** in a *baraita* (*Tosefta*, *Oholot* 9:4) that **Rabbi Yosei says:** With regard to **bundles** that serve as **a bed and grilles** taken from **windows,** if one placed them between the ground floor and the upper floor of the house such that they serve as a ceiling, since they have become part of the building they are not susceptible to impurity. Therefore, even if there are holes in the bundles and the grilles, **they serve as a barrier between the house and the upper floor such that the impurity** of a corpse present in the area of the house **cannot enter the other side,** i.e., the upper floor.

NOTES

Impurity is pressed – בְּטוּמְאָה רְצוּצָה: As the Gemara explains, a case where impurity is pressed is where the source of impurity is present in a space measuring less than a cubic handbreadth. Any space this small is not considered a cavity sufficient to impart impurity in a tent. Instead, the impurity ascends and descends without limits. It does not impart impurity to the sides (see Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 7:5).

Between two wooden chests – בֵּין שְׁנֵי מִגְדָּלִים: Rashi explains that the Gemara is discussing a case where two wooden chests are standing opposite each other less than one handbreadth apart and the source of impurity is resting on the ground in between them. Since the impurity is resting on a surface area measuring less than one square handbreadth, even though the height of the cavity is greater than one handbreadth, the impurity is considered to be pressed and ascends upward without limits, filling the entire airspace between the chests as if it is touching everything above it. Alternatively, the Rambam explains that the Gemara is discussing a case where the two chests are placed on top of another, and the source of impurity is in between them resting in a space measuring less than one cubic handbreadth. A person who is above the chests is as if he is touching the source of impurity because pressed impurity breaks through and ascends (Rambam's Commentary on the Mishna, tractate *Oholot*).

BACKGROUND

Ladle [*tarvad*] – תַּרְוָד: This word appears also in Syriac and Aramaic. The origin of the term is unknown. A *tarvad* is shaped like a large spoon and was used to ladle liquid from a pot. Since there is no definite size for this instrument, the Gemara in tractate *Nazir* (50b) discusses the exact halakhic size indicated by this term.

HALAKHA

A full ladle of dust imparts impurity by contact, and by carrying, and in a tent – מְלֹא תַרְוָד רָקָב מְטַמֵּא בְּמַגָּע וּבְמַשָּׂא וּבְאֹהֶל: A full ladle of dust from a corpse whose bones decomposed imparts impurity like a corpse itself via carrying and in a tent, in accordance with the opinion of Rabbi Yosei. But the dust does not impart impurity via contact because it is impossible to touch all of the particles of dust simultaneously, and the dust is not considered one unit even if one mixed the dust with water, in accordance with the conclusion of the Gemara on 126a (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:11).

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HALAKHA

A compartment in a chest in which the open space has one cubic handbreadth, etc. – תֵּיבַת הַמִּגְדָּל שֶׁיֵּשׁ בָּהּ פּוֹתֵחַ טֶפַח וכו׳: If a compartment in a chest that is inside a house contains a source of impurity, the house is impure if the cavity of the compartment itself measures at least one cubic handbreadth, even if the opening of the compartment to the house does not measure one handbreadth. Nevertheless, if the source of impurity is inside the house but outside the chest, whatever is inside the compartment remains pure. The reason is that it is typical for a source of impurity to exit from its location, but it is not typical for a source of impurity to enter a location (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 18:4).

פָּרָסָן עַל פְּנֵי הַמֵּת בָּאֲוִיר, הַנּוֹגֵעַ כְּנֶגֶד הַנָּקֶב – טָמֵא, שֶׁלֹּא כְּנֶגֶד הַנָּקֶב – טָהוֹר.

And if **one spread out** the bundles and grilles outside the house in an impermanent manner by hanging them **over a corpse in the air** like a net, **one who touches,** i.e., overlies the corpse, **opposite a hole** in the netting becomes **impure.** By contrast, one who overlies it **not opposite a hole** remains **pure.**

הֵיכִי דָּמֵי, אִילֵימָא לְמַעְלָה מִטֶּפַח – שֶׁלֹּא כְּנֶגֶד הַנָּקֶב אַמַּאי טָהוֹר? מֵת בִּכְסוּתוֹ הֵיא, וּמֵת בִּכְסוּתוֹ מְטַמֵּא!

Rava explains his proof: **What are the circumstances? If we say** that he spread out the netting **below** the height of one **handbreadth** above the corpse, **why** does one who overlies the corpse **not opposite a hole** in the netting remain **pure?** In such a case, the netting is close enough to the corpse to be considered part of the clothing of the corpse. Therefore, the case is tantamount to one where the **corpse is** dressed **in its clothing, and a corpse** dressed **in its clothing imparts impurity** to one who overlies it because the clothing does not act as a barrier.

אֶלָּא לָאו לְמַעְלָה מִטֶּפַח, וְקָא קָרֵי לֵיהּ ״נוֹגֵעַ״.

Rather, is it not the case that he spread out the netting more than one **handbreadth above** the corpse? **And** Rabbi Yosei **refers to** overlying the corpse **as touching.** Apparently, contrary to the opinion of Abaye, Rabbi Yosei refers to overlying as touching even when the overlying item is more than one handbreadth above the source of impurity.

אָמַר אַבַּיֵי: לְעוֹלָם לְמַטָּה מִטֶּפַח, וּדְקָאָמְרַתְּ: מֵת בִּכְסוּתוֹ הוּא – מֵת בִּכְסוּתוֹ, מְבַטֵּל לֵיהּ. הַאי, לָא מְבַטֵּל לֵיהּ.

Abaye rejected Rava's proof and **said: Actually,** the case is one where one spread the netting out **below** the height of one **handbreadth** above the corpse. **And** with regard to **that which you say:** If so, one who overlies the corpse not opposite a hole in the netting should also become impure as it **is** tantamount to a case of **a corpse** dressed **in its clothing,** this case is not similar to the case of a corpse dressed in its clothing. In the case of **a corpse** dressed **in its clothing** the clothing does not act as a barrier to the impurity because the one who dressed the corpse **nullified** the clothing by rendering its status as though it is a part of the corpse. But in **this** case in the *baraita*, the one who spread out the netting over the corpse intended to remove the bundles and grilles afterward and **he did not nullify** them.

וְתֶהֱוֵי כְּטוּמְאָה טְמוּנָה בּוֹקַעַת וְעוֹלָה! קָסָבַר רַבִּי יוֹסֵי: טוּמְאָה טְמוּנָה אֵינָהּ בּוֹקַעַת.

The Gemara objects with regard to Abaye's explanation: **But** if the case is one where he spread out the netting less than one handbreadth above the corpse, even if it is not considered the clothing of the corpse, **let it be** considered **like** a source of **impurity hidden** underneath an overlying structure at a distance of less than one handbreadth. In such a case, the impurity **breaks through and ascends,** and therefore it should transmit impurity even to one who overlies it not opposite a hole in the netting. The Gemara explains: **Rabbi Yosei holds** that **hidden impurity does not break through** and ascend.

וּמְנָא תֵּימְרָא? דְּתָנַן: תֵּיבַת הַמִּגְדָּל שֶׁיֵּשׁ בָּהּ פּוֹתֵחַ טֶפַח וְאֵין בִּיצִיאָתָהּ פּוֹתֵחַ טֶפַח, טוּמְאָה בְּתוֹכָהּ – הַבַּיִת טָמֵא. טוּמְאָה בַּבַּיִת – מַה שֶּׁבְּתוֹכָהּ טָהוֹר.

And from where do you say that this is the opinion of Rabbi Yosei? It is **as we learned** in a mishna (*Oholot* 4:2): In the case of **a compartment** in **a chest** that is inside a house, in which the **open space** of the compartment itself **has** at least one cubic **handbreadth**[H] in volume, **but** the **opening** of the compartment to the house does **not have** the area of one square **handbreadth,** and the volume of the entire chest is forty *se'a*, in that case, if there is a source of **impurity inside** the compartment, the compartment does not act as a barrier and **the house is impure.** If the source of **impurity is inside the house** but outside the chest, **whatever is inside** the compartment remains **pure,** because the opening of the compartment is less than one handbreadth.

מִפְּנֵי שֶׁדֶּרֶךְ טוּמְאָה לָצֵאת, וְאֵין דֶּרֶךְ טוּמְאָה לִיכָּנֵס.

This differentiation exists **because it is typical for** a source of **impurity to exit** from its location, and therefore impurity can be transmitted out of the compartment and into the house. **But it is not typical for** a source of **impurity to enter** a location, and therefore an impure item that lies in the house does not transmit impurity into the compartment. Since the volume of the chest is forty *se'a* it constitutes a separate tent, and the compartment that is part of the chest is also considered part of this tent.

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וְרַבִּי יוֹסֵי מְטַהֵר, מִפְּנֵי שֶׁיָּכוֹל הוּא לְהוֹצִיאָהּ לַחֲצָאִין אוֹ לִשְׂרָפָהּ בִּמְקוֹמָהּ.

And Rabbi Yosei deems the house **pure**[N] when the impure item is in the compartment. The item will not necessarily impart impurity outside of the compartment **because one can remove** the source of impurity from the compartment **in halves,** i.e., in pieces that each measure less than the requisite amount to impart impurity. **Or,** alternatively, one can **burn** the source of impurity while it still remains **in its place** inside the compartment.

וְקָתָנֵי סֵיפָא: הֶעֱמִידָהּ בַּפֶּתַח וּפִתְחָהּ לַחוּץ, טוּמְאָה בְּתוֹכָהּ – הַבַּיִת טָהוֹר. טוּמְאָה בַּבַּיִת – מַה שֶּׁבְּתוֹכָהּ טָהוֹר,

And the latter clause of that mishna **teaches:** If one **placed** the chest **in the entrance** to the house **and the opening of** the compartment is facing **out** of the house, if there is a source of **impurity inside** the chest, **the house** remains **pure** because the impure item will typically exit the house. If there is a source of **impurity in the house, whatever is inside** the chest remains **pure,** because the source of impurity will not enter the chest.

NOTES

And Rabbi Yosei deems the house pure – וְרַבִּי יוֹסֵי מְטַהֵר: Some later commentaries infer from the reason given by Rabbi Yosei, that one can burn the source of impurity while it remains inside the compartment, that it is permitted to burn part of a corpse and there is no obligation to bury a piece of flesh or a limb from a corpse, even if it measures an olive-bulk. Nevertheless, they point out that this is the *halakha* only if the piece of the corpse is present in a covered place where there is no disgrace to the deceased. Other commentaries disagree with this opinion; they hold that one must always bury every portion of a corpse and that Rabbi Yosei is referring to one who is not familiar with this *halakha* (see *Mishne LaMelekh* on Rambam *Sefer Shofetim*, *Hilkhot Evel*; *Tosefot Yom Tov*; and *Ḥazon Ish*).

Perek **IX**
Daf **126** Amud **a**

וְתָנֵי עֲלָהּ: רַבִּי יוֹסֵי מְטַהֵר. אַהַיְיא? אִילֵימָא אַסֵּיפָא – תַּנָּא קַמָּא נַמִּי טְהוֹרֵי קָא מְטַהֵר!

And it is taught with regard to that *halakha* in the mishna that **Rabbi Yosei deems** it **pure. To which** *halakha* in the mishna is this referring? **If we say** that it is referring **to the latter clause** of the mishna, which discusses a chest placed in the entrance of the house, **the first *tanna* also deems** it **pure** in that case.

אֶלָּא, דְּקָאָמַר תַּנָּא קַמָּא, טוּמְאָה בְּתוֹכָהּ – הַבַּיִת טָמֵא, אִי מִשּׁוּם דְּדֶרֶךְ טוּמְאָה לָצֵאת וְאִי מִשּׁוּם דְּטוּמְאָה טְמוּנָה בּוֹקַעַת. וְקָאָמַר לֵיהּ רַבִּי יוֹסֵי: וּדְקָאָמַרְתְּ דֶּרֶךְ טוּמְאָה לָצֵאת – יָכוֹל הוּא לְהוֹצִיאָהּ לַחֲצָאִין אוֹ לִשְׂרָפָהּ בִּמְקוֹמָהּ, וּדְקָאָמַרְתְּ טוּמְאָה טְמוּנָה בּוֹקַעַת – טוּמְאָה טְמוּנָה אֵינָהּ בּוֹקַעַת.

Rather, it is clear **that the first *tanna* says** that if a source of **impurity** is **inside** the compartment of a chest that is inside the house, **the house is impure, either because it is typical for** a source of **impurity to exit** its location, **or because** he holds that **a hidden** source of **impurity breaks through** and ascends.[N] **And Rabbi Yosei** disagrees and **says to him:** With regard to **that which you say** that **it is typical for** a source of **impurity to exit** its location, it is not necessarily so. **One can remove** the impure item **in halves or burn it in its place** inside the compartment. **And** with regard to **that which you say** that **a hidden** source of **impurity breaks through** and ascends, **a hidden** source of **impurity does not break through.** Consequently, Rabbi Yosei must hold that a hidden source of impurity does not break through and ascend.

וְרָמֵי דְּרַבִּי יוֹסֵי אַדְּרַבִּי יוֹסֵי.

§ Based on the previous statement of Rabbi Yosei, the Gemara established that Rabbi Yosei holds that a hidden source of impurity does not break through and ascend. **And** the Gemara **raises a contradiction** between that previous statement **of Rabbi Yosei and** another statement **of Rabbi Yosei.**

NOTES

Or because a hidden impurity breaks through and ascends – וְאִי מִשּׁוּם דְּטוּמְאָה טְמוּנָה בּוֹקַעַת: Rashi explains that Rabbi Yosei derives from the statements of the first *tanna* in the mishna that he holds both that it is typical for a source of impurity to exit its location and that a hidden source of impurity breaks through and ascends. In the first clause of the mishna, the first *tanna* rules that if the compartment has a cubic handbreadth in volume and is inside the house, the house is impure because it is typical for impurity to exit its location. And in the latter clause of the mishna, the first *tanna* rules that the house remains pure if the opening of the compartment with a volume of one cubic handbreadth is facing out of the house. This statement indicates that in a case where the volume of the compartment is less than one cubic handbreadth, then even if the opening of the compartment were facing toward the outside of the house, the house is impure. This is because a hidden source of impurity breaks through and ascends, and therefore the source of impurity inside the compartment is as though it is lying on the floor of the house, which overlies it and imparts impurity to the rest of the house.

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דִּתְנַן: הַכֶּלֶב שֶׁאָכַל בְּשַׂר מֵת, וּמֵת הַכֶּלֶב וּמוּטָל עַל הָאַסְקוּפָּה. רַבִּי מֵאִיר אוֹמֵר: אִם יֵשׁ בְּצַוָּארוֹ פּוֹתֵחַ טֶפַח – מֵבִיא אֶת הַטּוּמְאָה, וְאִם לָאו – אֵינוֹ מֵבִיא אֶת הַטּוּמְאָה.

As we learned in a mishna (*Oholot* 11:7): In the case of **a dog that ate the flesh of a corpse, and the dog** then **died**[N] **and is lying on the threshold**[HB] in such a manner that its neck and mouth are facing toward the inside of the house, **Rabbi Meir says: If there is an opening** the size of one cubic **handbreadth inside the neck of** the dog, i.e., the neck itself constitutes this measure, the dog **imports impurity** into the house because the upper portion of the dog's body overlies the impure item inside the dog and the impurity is transmitted through the neck and mouth of the dog into the house. **But if** there is **not** such a large cavity in the neck of the dog, then there is no *halakha* of a tent, and the dog **does not import the impurity** into the house.

רַבִּי יוֹסֵי אוֹמֵר: רוֹאִין, מִכְּנֶגֶד הַשָּׁקוֹף וְלִפְנִים – הַבַּיִת טָמֵא, מִכְּנֶגֶד הַשָּׁקוֹף וְלַחוּץ – הַבַּיִת טָהוֹר.

Rabbi Yosei says: One looks to determine exactly where on the threshold the dog is located. If the impure item inside the dog is located anywhere **from opposite,** i.e., under, **the lintel and toward the inside** of the house, **the house is impure.** If the dog is located anywhere **from opposite the lintel and toward the outside** of the house, **the house** remains **pure.**

רַבִּי אֶלְעָזָר אוֹמֵר: פִּיו לְפָנִים – הַבַּיִת טָהוֹר, פִּיו לַחוּץ – הַבַּיִת טָמֵא, מִפְּנֵי שֶׁטּוּמְאָה יוֹצְאָה דֶּרֶךְ שׁוּלָיו.

Rabbi Elazar says: One must determine the exact manner in which the dog is lying on the threshold. If **its mouth** is located **inside** the house, but its rear is located outside the house, **the house** remains **pure.** If **its mouth** is located **outside** the house but its rear is located inside the house, **the house is impure.** This is **because** the source of **impurity exits** the dog's body **through its edge,** i.e., its rear.

רַבִּי יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר: בֵּין כָּךְ וּבֵין כָּךְ – הַבַּיִת טָמֵא.

Rabbi Yehuda ben Beteira says: In both **this** case **and that** case, i.e., whether the dog is lying such that its mouth is inside the house or outside the house, **the house is impure.** The reason is that the impure item can exit through either the mouth or the rear.

מַאי לָאו אַ"אֵין בְּצַוָּארוֹ פּוֹתֵחַ טֶפַח" קָאֵי רַבִּי יוֹסֵי,

The Gemara analyzes the statement of Rabbi Yosei that if the dog is located anywhere from under the lintel and toward the inside of the house, the house is impure. **What, is** the statement of **Rabbi Yosei not referring to** a case where **there is not an opening** the size of one cubic **handbreadth inside** the dog's **neck,** with regard to which Rabbi Meir says that the house remains pure? Accordingly, Rabbi Yosei is responding to Rabbi Meir and saying: Even if the neck of the dog is not the size of one cubic handbreadth, as long as the impure item inside the dog is located from under the lintel and toward the house, the house is impure because it overlies the impure item.

וּשְׁמַע מִינָּהּ: טוּמְאָה טְמוּנָה בּוֹקַעַת!

And therefore **learn from it** that Rabbi Yosei holds that **a hidden** source of **impurity breaks through** and ascends, contrary to Rabbi Yosei's opinion as understood from his previous statement.

אֲמַר רָבָא: "רוֹאִין אֶת חֻלַּל הַטּוּמְאָה" קָתָנֵי, וְרַבִּי יוֹסֵי בִּתְרֵתֵי פְּלִיג, וְקָאָמַר לֵיהּ לְרַבִּי מֵאִיר: דְּקָאָמְרַתְּ כִּי יֵשׁ בְּצַוָּארוֹ פּוֹתֵחַ טֶפַח – מֵבִיא אֶת הַטּוּמְאָה, אֲנַן בָּתַר חֻלַּלָּהּ אָזְלִינַן.

Rava said: Rabbi Yosei holds that a hidden source of impurity does not break through and ascend. As for that which Rabbi Yosei teaches: One looks whether the impure item inside the dog is located opposite the lintel and toward the inside of the house, Rabbi Yosei actually **teaches: One looks at the empty space** adjacent to **the** source of **impurity. And Rabbi Yosei disagrees** with Rabbi Meir **with regard to two** matters, **and says to Rabbi Meir:** As for **that which you say** that if **there is the width of** one cubic **handbreadth in the neck** of the dog, **it imports the impurity** into the house, that is not so. Rather, **we follow** the measure of **the empty space,**[N] i.e., the neck of the dog imports impurity into the house only if it contains a cubic handbreadth of space in addition to the thickness of the flesh of the neck itself.

וְדִקָא אָמְרַתְּ הַבַּיִת כּוּלּוֹ טָמֵא. מִכְּנֶגֶד הַשָּׁקוֹף וְלִפְנִים – הַבַּיִת טָמֵא, מִכְּנֶגֶד הַשָּׁקוֹף וְלַחוּץ – הַבַּיִת טָהוֹר.

And with regard to **that which you say** that even if the dog is located on the outer portion of the threshold of the house, **the entire house is impure,** that is not so. Rather, if the impurity inside the dog is located anywhere **from opposite the lintel and toward the inside** of the house, **the house is impure.** If the impurity inside the dog is located anywhere **from opposite the lintel and toward the outside** of the house, **the house** remains **pure.**

NOTES

A dog that ate the flesh of a corpse and the dog died, etc. – הַכֶּלֶב שֶׁאָכַל בְּשַׂר מֵת וּמֵת הַכֶּלֶב וכו': The reason the mishna refers to a case where the dog is dead is that impurity is not transmitted when located inside living people and animals (see 71a). Rashi explains in tractate *Oholot* that this is the *halakha* because a source of impurity that is swallowed and inside a living animal is digested and therefore no longer significant. Alternatively, a source of impurity that is swallowed is nullified because it becomes part of the body of the living animal (Meiri; Rabbi Shimshon of Saens on *Mikvaot* 10:8). Others understand the Rambam as holding that the body of a living animal is a barrier that prevents the imparting of impurity (*Ḥiddushei Rabbeinu Ḥayyim HaLevi al HaRambam, Sefer Tahara Hilkhot Tumat Met* 22:2; *Ḥiddushei HaGriz* on *Bekhorot* 22a).

We follow the measure of the empty space – אֲנַן בָּתַר חֻלַּלָּהּ אָזְלִינַן: Rabbi Yosei concedes that an enclosed airspace measuring one cubic handbreadth imparts impurity in a tent even if the height of the cavity inside is less than one handbreadth. In such a case, Rabbi Yosei views the bottom layer of the enclosure as if it is absent and the upper layer as overlying the source of impurity located inside the airspace.

HALAKHA

A dog that ate the flesh of a corpse, and the dog died and is lying on the threshold – הַכֶּלֶב שֶׁאָכַל בְּשַׂר מֵת וּמֵת הַכֶּלֶב וּמוּטָל עַל הָאַסְקוּפָּה: If a dog ate the flesh of a corpse and died within three days and is lying on the threshold, one looks to determine exactly where on the threshold the dog is located. If it is located anywhere from under the lintel and toward the inside of the house, the house is impure. If it is located anywhere from under the lintel and toward the outside of the house, the house remains pure. This ruling is in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Tahara, Hilkhot Tumat Met* 25:7).

BACKGROUND

Threshold – אַסְקוּפָּה: The entrance to a house is composed of three components: The threshold, which is the floor of the doorway; the lintel, which is the upper frame of the doorway; and the posts, which are the two sides of the doorway's frame.



Components of a doorway

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רַב אַחָא בְּרֵיהּ דְּרָבָא מַתְנֵי לָהּ בְּהֶדְיָא, רַבִּי יוֹסֵי אוֹמֵר: רוֹאִין אֶת חֲלַל הַטּוּמְאָה.

Rav Aḥa, son of Rava, teaches that Rava's explanation is **explicit** in the mishna itself, as follows: **Rabbi Yosei says: One looks at the empty space** adjacent to the source **of impurity.**

וּמַאן תַּנָּא דְּפָלֵיג עֲלֵיהּ? רַבִּי שִׁמְעוֹן הוּא, דְּתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר:

§Previously the Gemara established that Rabbi Yosei holds that with regard to the *halakhot* of impurity, overlying is referred to as touching, as the transmission of impurity via contact and via overlying are considered one category. But the mishna (*Oholot* 3:1) cited earlier (125b) states that in the case of one who touches half an olive-bulk of flesh of a corpse, if a tent simultaneously overlies him and another half an olive-bulk of flesh he remains pure. Evidently, there is a *tanna* who disagrees with Rabbi Yosei and holds that these two methods of transmitting impurity are not the same category. The Gemara asks: **Who is the *tanna* who disagrees with** Rabbi Yosei? The Gemara answers: **It is Rabbi Shimon, as it is taught** in a *baraita*: **Rabbi Shimon says:**

Perek **IX**
Daf **126** Amud **b**

שָׁלֹשׁ טוּמְאוֹת פּוֹרְשׁוֹת מִן הַמֵּת, שְׁתַּיִם בְּכָל אַחַת וּשְׁלִישִׁית אֵין בָּהֶן. וְאֵלּוּ הֵן: מְלֹא תַּרְוָוד רָקָב, וְעֶצֶם כִּשְׁעוֹרָה, וְגוֹלֵל וְדוֹפֵק.

Parts of a corpse that impart impurity include an olive-bulk of flesh, a complete limb, the majority of a corpse's bones, and the majority of the essential bones of its skeleton, namely, its legs, spine, and ribs. All of these impart impurity via contact, carrying, and in a tent. There are also **three** sources of **impurity** that **derive from a corpse, each one** of which imparts impurity in **two** ways **but** does **not** impart impurity in a **third** way. **And they are the following: A full ladle of dust** from a corpse, **and a bone** the size of **a barley grain, and a grave cover** [*golel*] **and a grave wall** [*dofek*][BN] upon which the cover rests.

מְלֹא תַּרְוָוד רָקָב מְטַמֵּא בְּמַשָּׂא וּבְאֹהֶל, וְאֵינוֹ מְטַמֵּא בְּמַגָּע. וְהֵיכָן מַגָּעוֹ – עִם אַחַת מֵהֶן.

A full ladle of dust imparts impurity via carrying and in a tent, but it does not impart impurity via contact,[N] as it is impossible for one to touch all of the particles of dust simultaneously. **And where** among these sources of impurity is the imparting of impurity via **contact** applicable? It is applicable **with one of those** other two sources of impurity, i.e., a bone the size of a barley grain and the cover or wall of a grave.

BACKGROUND

A grave cover [*golel*] and a grave wall [*dofek*] – גּוֹלֵל וְדוֹפֵק: It was common practice to bury corpses inside caves. After placing the dead in a compartment inside a cave, they would roll a large stone called a *golel* into the mouth of the cave to seal it. They would then place a triangle-shaped stone called a *dofek* under the *golel* to keep it in place. As mentioned in the Notes, some commentaries interpret the reference in the Gemara to *golel* and *dofek* to mean these stones used for burials within caves.



Stone used to seal a burial cave

NOTES

A grave cover [*golel*] and a grave wall [*dofek*] – גּוֹלֵל וְדוֹפֵק: The early commentaries dispute the meaning of the terms *golel* and *dofek*. Some commentaries explain that the *baraita* is discussing parts of a coffin: *Dofek* is the wall of a coffin and *golel* is the coffin's cover (Rashi; Meiri, *Sefer HaEshkol*). Others explain that after the grave was dug, two stones would be placed as walls inside the hole. The wall was called a *dofek* because it was the side, or rib [*dofek*], of the grave. A stone called a *golel* was then placed on top of these grave walls (Ramban; *Arukh*; Ra'avad; see also Rambam's Commentary on the Mishna). Alternatively, some commentaries explain that the *baraita* is discussing a grave inside of a cave. After placing the deceased in a compartment inside a cave, they would roll a large stone called a *golel* into the mouth of the cave to seal it. They would then place a triangle-shaped stone called a *dofek* under the *golel* to keep it in place (*Or Zarua*).

A full ladle of dust imparts impurity via carrying and in a tent, but it does not impart impurity via contact – מְלֹא תַּרְוָוד רָקָב מְטַמֵּא בְּמַשָּׂא וּבְאֹהֶל וְאֵינוֹ מְטַמֵּא בְּמַגָּע: Rashi explains that the reason dust does not impart impurity via contact is that one cannot touch all the particles of dust simultaneously. But since one can carry all the particles of dust simultaneously and a tent can overlie all the particles of dust simultaneously, dust imparts impurity via carrying and in a tent. Therefore, it is evident that Rabbi Shimon does not hold in accordance with the opinion of Rabbi Yosei that imparting impurity in a tent is also called touching.

Other commentaries disagree with Rashi and maintain that Rabbi Yosei concedes that dust does not impart impurity via contact. Rather, the proof that Rabbi Shimon does not agree with Rabbi Yosei is derived from that which Rabbi Shimon says: And where among these sources of impurity is the imparting of impurity via contact applicable? It is applicable with one of those other two sources of impurity. Therefore, Rabbi Shimon holds that there is no case of dust imparting impurity via contact. This opinion is not in accordance with Rabbi Yosei, who holds that impurity imparted in a tent is also called touching (Ramban).

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עֶצֶם כִּשְׁעוֹרָה מְטַמֵּא בְּמַשָּׂא וּבְמַגָּע, וְאֵינוֹ מְטַמֵּא בְּאֹהֶל. וְהֵיכָן אָהֳלוֹ – עִם אַחַת מֵהֶן.

A bone the size of **a barley grain**[N] **imparts impurity via carrying and contact, but it does not impart impurity in a tent.** This *halakha* was transmitted to Moses from Sinai. **And where** among these sources of impurity is impurity imparted in **a tent?** It is **with one of those** other two sources of impurity.

גּוֹלֵל וְדוֹפֵק מְטַמֵּא בְּמַגָּע וּבְאֹהֶל, וְאֵינוֹ מְטַמֵּא בְּמַשָּׂא. וְהֵיכָן מַשָּׂאוֹ – עִם אֶחָד מֵהֶן.

A grave cover and a grave wall impart impurity via contact and in a tent, but they do not impart impurity via carrying. This *halakha* too was transmitted to Moses from Sinai. **And where** among these sources of impurity is impurity transmitted via **carrying?** It is **with one of those** other two sources of impurity. It may be inferred from Rabbi Shimon's statement that a full ladle of dust imparts impurity in a tent but not via contact that he disagrees with Rabbi Yosei and holds that overlying is not the same category as touching.

"קוּלִית נֶבֶלָה וְקוּלִית הַשֶּׁרֶץ" וכו'. תָּנוּ רַבָּנַן: "בִּנְבֵלָתָהּ" – וְלֹא בְּקוּלִית סְתוּמָה.

§ The mishna teaches: With regard to **the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal,** one who touches them when they are sealed remains ritually pure, because the bone itself does not impart impurity. With regard to this topic, **the Sages taught** in a *baraita*: The verse states: "One who touches the carcass thereof shall be impure until the evening" (Leviticus 11:39). The word **"carcass"** indicates that one who touches the carcass is impure, **but** one who touches **a sealed thigh bone is not.**

יָכוֹל אֲפִילּוּ נִיקְּבָה? תַּלְמוּד לוֹמַר: "הַנֹּגֵעַ... יִטְמָא", אֶת שֶׁאֶפְשָׁר לִיגַּע – טָמֵא, וְאֶת שֶׁאִי אֶפְשָׁר לִיגַּע – טָהוֹר.

One **might** have thought that **even** one who touches **a perforated** thigh bone remains pure. Therefore, **the verse states: "One who touches** the carcass thereof [*benivlatah*] **shall be impure,"** indicating that one who touches a part of the animal through **which it is possible to touch** the flesh, which has the halakhic status of an unslaughtered carcass [*neveila*], is **impure, but** one who touches a part of the animal through **which it is impossible to touch** the flesh remains **pure.** Therefore, one who touches a protective layer such as the outside of a sealed thigh bone does not become impure, as it is impossible to touch the marrow.

אֲמַר לֵיהּ רַבִּי זֵירָא לְאַבַּיֵי: אֶלָּא מֵעַתָּה, בְּהֵמָה בְּעוֹרָהּ לֹא תְּטַמֵּא! פּוֹק חֲזֵי כַּמָּה נְקָבִים יֵשׁ בָּהּ.

Rabbi Zeira said to Abaye: If that is so, that one who touches the protective layer of a carcass via which it is impossible to touch the flesh of the carcass itself does not become impure, **an animal** still **in its hide should not impart impurity,** as one can touch the hide, which constitutes a protective layer, but not the flesh. Abaye answered: **Go out** and **see how many orifices there are in** the body of an animal via which one can touch the flesh, e.g., the eyes, the nostrils, and the mouth.

אֲמַר לֵיהּ רַב פַּפָּא לְרָבָא: אֶלָּא מֵעַתָּה, כּוּלְיָא בְּחֶלְבָּהּ לֹא תְּטַמֵּא! תָּא חֲזֵי כַּמָּה חוּטִין נִמְשָׁכִין הֵימֶנָּה.

Similarly, **Rav Pappa said to Rava: If that is so,** that one who touches the protective layer of a carcass via which it is impossible to touch the flesh of the carcass itself does not become impure, **the kidney** of a carcass that is completely covered **in its fat should not impart impurity** via contact. Rava answered: **Come** and **see how many sinews emerge from** the kidney that one is able to touch.

בָּעֵי רַב אוֹשַׁעְיָא: חִישֵּׁב עָלֶיהָ לְנוֹקְבָהּ וְלֹא נִיקְּבָהּ, מַהוּ? מְחוּסַּר נִקִּיבָה כִּמְחוּסַּר מַעֲשֶׂה דָּמֵי, אוֹ לֹא?

§ The mishna taught that the *halakha* distinguishes between a sealed and a perforated thigh bone of a carcass or a creeping animal. With regard to this topic, **Rav Oshaya raises a dilemma: What is** the *halakha* if **one intended to perforate** the thigh bone **but did not** yet **perforate it?**[H] This is the dilemma: Is a thigh bone **lacking perforation considered to be lacking** the necessary **action** for it to impart impurity, and it therefore retains its status as a sealed thigh bone, **or not?**

NOTES

A bone the size of a barley grain – עֶצֶם כִּשְׁעוֹרָה: The early commentaries disagree with regard to the source of this *halakha*. Rashi holds that it is a *halakha* transmitted to Moses from Sinai that a bone the size of a barley grain imparts impurity via carrying and contact but does not impart impurity in a tent (see *Nazir* 53b). *Tosafot* disagree with Rashi and explain that the Gemara derives this *halakha* from that which the verse states: "And upon him that touched the bone or the slain" (Numbers 19:18).

HALAKHA

One intended to perforate the thigh bone but did not yet perforate it – חִישֵּׁב עָלֶיהָ לְנוֹקְבָהּ וְלֹא נִיקְּבָהּ: If one intended to perforate the thigh bone but did not yet perforate it, it is uncertain if one who touches the bone becomes impure, because it is uncertain whether a bone lacking perforation is considered to be lacking the necessary action for it to impart impurity or not. The *Kesef Mishne* explains that although the Gemara rules that such a bone is not considered to be lacking the necessary action, the Rambam apparently had an alternative version of the text that leaves the dilemma of Rav Oshaya unresolved (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:12, and see Mahari Kurkus there).

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הַדַּר פְּשָׁטָהּ: מְחוּסַּר נְקִיבָה לָאו כִּמְחוּסַּר מַעֲשֶׂה דָּמֵי.

Rabbi Oshaya **then resolves** the dilemma: A thigh bone **lacking perforation is not considered to be lacking** the necessary **action**[N] for it to impart impurity. If one intends to perforate it, it imparts impurity immediately.

מתני׳ בֵּיצַת הַשֶּׁרֶץ הַמְרוּקֶּמֶת – טְהוֹרָה, נִיקְּבָה כָּל שֶׁהוּא – טְמֵאָה. עַכְבָּר שֶׁחֶצְיוֹ בָּשָׂר וְחֶצְיוֹ אֲדָמָה, הַנּוֹגֵעַ בַּבָּשָׂר – טָמֵא, בָּאֲדָמָה – טָהוֹר. רַבִּי יְהוּדָה אוֹמֵר: אַף הַנּוֹגֵעַ בָּאֲדָמָה שֶׁכְּנֶגֶד הַבָּשָׂר – טָמֵא.

MISHNA **The egg of a creeping animal**[H] **in which tissue** of an embryo **developed**[N] and one who comes into contact with the egg are **ritually pure,** as the impure creeping animal is hermetically sealed. But if **one perforated** the egg with a hole of **any size,** one who comes in contact with the egg is **ritually impure.** In the case of **a mouse that** grows from the ground and **is half-flesh half-earth,**[NH] **one who touches the** half that is **flesh is impure;** one who touches **the** half that is **earth is pure. Rabbi Yehuda says: Even one who touches the** half that is **earth where it is adjacent to the flesh is ritually impure.**

גמ׳ תָּנוּ רַבָּנַן: ״הַטְּמֵאִים״ – לְרַבּוֹת בֵּיצַת הַשֶּׁרֶץ וְקוּלִית הַשֶּׁרֶץ.

GEMARA The mishna states that in the case of an egg of a creeping animal in which tissue of an embryo developed, if it is perforated then one who touches it is ritually impure. With regard to this matter **the Sages taught** in a *baraita*: The verse states: "These are the impure ones to you among all that creep; whoever touches them when they are dead shall be impure until the evening" (Leviticus 11:31). The term **"the impure ones"** is interpreted as **including the egg of a creeping animal and the thigh bone of a creeping animal** in the category of sources of impurity.

יָכוֹל אֲפִילּוּ לֹא רִיקְּמָה – תַּלְמוּד לוֹמַר: ״הַשֶּׁרֶץ״, מַה שֶּׁרֶץ שֶׁרָקַם, אַף בֵּיצַת הַשֶּׁרֶץ שֶׁרָקְמָה.

One **might** have thought that **even** an egg **in which tissue** of an embryo **has not developed** imparts impurity. Therefore, **the verse states: "That creep,"** indicating that **just as a creeping animal has developed tissue, so too** only **the egg of a creeping animal in which tissue** of an embryo **has developed** imparts impurity.

יָכוֹל אֲפִילּוּ לֹא נִיקְּבוּ – תַּלְמוּד לוֹמַר: ״הַנֹּגֵעַ...יִטְמָא״, אֶת שֶׁאֶפְשָׁר לִיגַּע – טָמֵא, וְאֶת שֶׁאִי אֶפְשָׁר לִיגַּע – טָהוֹר.

One **might** have thought that in the case of an egg in which tissue of an embryo has developed, it imparts impurity **even** if it **was not perforated.** Therefore, **the verse states: "Whoever touches** them when they are dead **shall be impure,"** indicating that **when it is possible to touch** the flesh, contact renders one **impure; but when it is impossible to touch** the flesh, one remains **pure.**

וְכַמָּה נְקִיבָתָהּ – כִּחוּט הַשַּׂעֲרָה, שֶׁאֶפְשָׁר לִיגַּע כִּחוּט הַשַּׂעֲרָה.

And how large must **its perforation** be to render one touching the egg or thigh bone impure? Its width must be the size of **a strand of hair, as it is possible** for one **to touch** the inside of an egg or thigh bone **with a strand of** his **hair.**

״עַכְבָּר שֶׁחֶצְיוֹ״ [וכו׳]. אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: וְהוּא שֶׁהִשְׁרִיץ עַל פְּנֵי כוּלּוֹ. אִיכָּא דְּמַתְנֵי לָהּ אַסֵּיפָא, רַבִּי יְהוּדָה אוֹמֵר: אַף הַנּוֹגֵעַ בָּאֲדָמָה שֶׁכְּנֶגֶד בָּשָׂר – טָמֵא. אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: וְהוּא שֶׁהִשְׁרִיץ עַל פְּנֵי כוּלּוֹ.

§ The mishna teaches: In the case of **a mouse that** grows from the ground and **is half**-flesh half-earth, one who touches the half that is flesh is impure. **Rabbi Yehoshua ben Levi says** in this regard: One becomes impure in such a case **only** if the flesh of the mouse has **developed along the entire** length[H] of the mouse, from head to foot. **Some teach** the statement of Rabbi Yehoshua ben Levi **with regard to the latter clause** of the mishna: **Rabbi Yehuda says: Even one who touches** the half that is **earth where it is adjacent to the flesh is ritually impure. Rabbi Yehoshua ben Levi says:** One becomes impure in such a case **only** if the flesh of the mouse has **developed along the entire** length of the mouse.

NOTES

Lacking perforation is not considered to be lacking action – מְחוּסַּר נְקִיבָה לָאו כִּמְחוּסַּר מַעֲשֶׂה דָּמֵי: There are many examples in the Gemara of similar rulings (see, e.g., 103b, *Gittin* 21b, *Yoma* 63a, and *Zevaḥim* 19b). An alternative version of the text reads: Lacking perforation is considered to be lacking the necessary action. Accordingly, a bone that one wishes to perforate is not considered perforated until he actually perforates it (*Shita Mekubbetzet*). Another alternative version of the text leaves the dilemma of Rav Oshaya unresolved (*Kesef Mishne*; *Sidrei Tohora*). Even according to the versions of the text that say the dilemma of Rav Oshaya is in fact resolved, the Gemara does not offer any explanation, and the later commentaries attempt to fill this void by explaining the logic behind the Gemara's answer (*Shoshannim LeDavid*).

The egg of a creeping animal in which tissue of an embryo developed – בֵּיצַת הַשֶּׁרֶץ הַמְרוּקֶּמֶת: A number of the eight creeping animals listed in the Torah lay eggs, including the great lizard, lizard, and skink (Rabbi Ovadya Bartenura). The Rambam describes this stage of development of the embryo referred to in the mishna as being one where the embryo has developed a recognizable form and limbs (Rambam's Commentary on the Mishna).

A mouse that is half-flesh half-earth – עַכְבָּר שֶׁחֶצְיוֹ בָּשָׂר וְחֶצְיוֹ אֲדָמָה: Post-talmudic sages, ranging from the Rambam to Rabbi Samson Raphael Hirsch, have asserted that the Sages' beliefs about the natural world were often derived from prevailing contemporary views. Their understanding of the natural world, including details that have halakhic implications, is sometimes inconsistent with modern science. In the case of the creature discussed here, the Sages may have heard tell of such a creature, or may even have themselves observed a rodent which superficially appeared to have the characteristics described in this passage. Some commentaries (Rashi; Meiri) understand that this creature was spontaneously generated from the earth. Spontaneous generation from inanimate matter is now discredited, but it was a widely accepted explanation of how creatures came into being, seemingly from nothing, until well into the nineteenth century. Only with the advent of microscopes and the discovery of microscopic creatures and eggs was it rejected. Rabbi Yosef Kapaḥ explains that the Sages are referring to creatures that live in and around mud and accumulate a thick layer of mud on their lower bodies, giving the appearance of being made from mud.

HALAKHA

The egg of a creeping animal, etc. – בֵּיצַת הַשֶּׁרֶץ וכו׳: The egg of a creeping animal in which tissue of an embryo developed is ritually pure, as is one who touches the egg, since the impure creeping animal is hermetically sealed. But if one perforated the egg with a perforation of any size, one who comes in contact with the egg is ritually impure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 4:10).

A mouse that is half-flesh half-earth – עַכְבָּר שֶׁחֶצְיוֹ בָּשָׂר וְחֶצְיוֹ אֲדָמָה: One who touches a creeping animal that is half-flesh half-earth on the half that is flesh is impure. By contrast, one who touches the half that is earth is ritually pure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 4:11).

Only if the flesh of the mouse has developed along the entire length – וְהוּא שֶׁהִשְׁרִיץ עַל פְּנֵי כוּלּוֹ: One who touches a creeping animal that is half-flesh half-earth becomes impure even if he touches the half that is earth, provided the flesh of the creeping animal has developed along the entire length of the mouse (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 4:11, and see *Kesef Mishne* and Mahari Kurkus there).

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מַאן דְּמַתְנֵי לָהּ אַרִישָׁא – כָּל שֶׁכֵּן אַסֵּיפָא. וּמַאן דְּמַתְנֵי לָהּ אַסֵּיפָא, אֲבָל רֵישָׁא – אַף עַל גַּב דְּלָא הִשְׁרִיץ.

The one who teaches the statement of Rabbi Yehoshua ben Levi **with regard to the first clause** of the mishna, **all the more so** he teaches this same *halakha* **with regard to the latter clause** of the mishna. **But the one who teaches** the statement of Rabbi Yehoshua ben Levi **with regard to the latter clause** of the mishna holds that it applies only to that clause, with regard to one who touches the half that is earth where it is adjacent to the flesh according to Rabbi Yehuda. **But** according to the opinion of the first *tanna*, stated in **the first clause** of the mishna, **even if** the flesh of the mouse **has not developed** along the entire length of the mouse, one who touches the half of the mouse that is flesh is impure.

תָּנוּ רַבָּנַן: מִתּוֹךְ שֶׁנֶּאֱמַר ״עַכְבָּר״ שׁוֹמֵעַ אֲנִי אֲפִילּוּ עַכְבָּר שֶׁבַּיָּם, שֶׁשְּׁמוֹ ״עַכְבָּר״. וְדִין הוּא: טִימֵּא בַּחוּלְדָּה וְטִימֵּא בָּעַכְבָּר, מָה חוּלְדָּה – מִין הַגָּדֵל עַל הָאָרֶץ, אַף עַכְבָּר – מִין הַגָּדֵל עַל הָאָרֶץ.

§ **The Sages taught** in a *baraita* concerning the following verse: “And these are they which are impure to you among the creeping animals that creep upon the earth: The weasel, and the mouse, and the great lizard after its kinds” (Leviticus 11:29). **Since “mouse” is stated** among the creeping animals that impart impurity, **I** would **derive** that **even a sea mouse,** i.e., a sea creature that has an appearance similar to a mouse, imparts impurity **because its name is** also **mouse. But** ostensibly, the opposite conclusion could be derived through **logical inference:** The verse **deems a weasel impure and deems a mouse impure.** Therefore, **just as a weasel is a species that grows on land, so too** the **mouse** to which the verse is referring is **a species that grows on land;** a sea mouse does not impart impurity.

אוֹ כַּלֶּךְ לְדֶרֶךְ זוֹ: טִימֵּא בַּחוּלְדָּה וְטִימֵּא בָּעַכְבָּר, מָה חוּלְדָּה – כָּל שֶׁשְּׁמָהּ חוּלְדָּה, אַף עַכְבָּר – כָּל שֶׁשְּׁמוֹ עַכְבָּר, אֲפִילּוּ עַכְבָּר שֶׁבַּיָּם שֶׁשְּׁמוֹ ״עַכְבָּר״. תַּלְמוּד לוֹמַר: ״עַל הָאָרֶץ״.

Or, perhaps **go this way:** The verse **deems a weasel impure and deems a mouse impure;** accordingly, **just as “weasel”** is referring to **any** animal **whose name is weasel, so too, “mouse”** is referring to **any** animal **whose name is mouse, even a sea mouse, as its name is** also **mouse.** Therefore, **the verse states: “Upon the earth,”** indicating that a land mouse imparts impurity, but a sea mouse does not.

אִי ״עַל הָאָרֶץ״, יָכוֹל: עַל הָאָרֶץ – יְטַמֵּא, יָרַד לַיָּם – לֹא יְטַמֵּא,

If this *halakha* is derived only from the phrase “**upon the earth,**” one **might** have thought that the verse means that any mouse, whether a land mouse or a sea mouse, **imparts impurity** when it is **upon the earth,** but if **it descended to the sea it does not impart impurity.**

Perek **IX**
Daf **127** Amud **a**

תַּלְמוּד לוֹמַר ״הַשֹּׁרֵץ״ – כָּל מָקוֹם שֶׁשּׁוֹרֵץ.

Therefore, **the verse states: “That creep,”** indicating that creeping animals impart impurity **anywhere that** they **creep,** including the sea, as these animals can float in the sea. Consequently, the phrase “upon the earth” is understood as indicating that a sea mouse does not impart impurity.

אוֹ אֵינוֹ אֶלָּא ״הַשֹּׁרֵץ״ – יָכוֹל כָּל הַמַּשְׁרִיץ יְטַמֵּא, שֶׁאֵין מַשְׁרִיץ – לֹא יְטַמֵּא, אוֹצִיא עַכְבָּר שֶׁחָצְיוֹ בָּשָׂר וְחָצְיוֹ אֲדָמָה, שֶׁאֵין פָּרָה וְרָבָה!

The *baraita* raises an alternative interpretation: **Or** perhaps the term “**that creep** [***hashoretz***]” should **not** be interpreted in this manner, as it **could rather** be interpreted to mean that **any** creeping animal **that breeds** [***hammashritz***] **imparts impurity,** but a creeping animal **that does not breed does not impart impurity. I shall** therefore **exclude a mouse that is half-flesh half-earth,** i.e., that generates spontaneously from the earth, **as it does not breed** and therefore does not impart impurity.

וְדִין הוּא: טִימֵּא בַּחוּלְדָּה וְטִימֵּא בָּעַכְבָּר, מַה חוּלְדָּה – כָּל שֶׁשְּׁמָהּ חוּלְדָּה, אַף עַכְבָּר – כָּל שֶׁשְּׁמוֹ עַכְבָּר. אָבִיא עַכְבָּר שֶׁחָצְיוֹ בָּשָׂר וְחָצְיוֹ אֲדָמָה.

But ostensibly, the *halakha* of a mouse that is half-flesh half-earth is subject to **logical inference:** Since the verse **deems a weasel impure and deems a mouse impure,** then **just as “weasel”** is referring to **any** animal **whose name is weasel, so too, “mouse”** is referring to **any** animal **whose name is mouse, even a mouse that is half-flesh half-earth.**

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אוֹ כַּלָּךְ לְדָרֶךְ זוֹ: מָה חוּלְדָּה – פָּרָה וְרָבָה, אַף עַכְבָּר – פָּרֶה וְרָבֶה. תַּלְמוּד לוֹמַר ״בַּשֶּׁרֶץ״.

Or perhaps **go this way:** One might think that **just as a weasel breeds, so too,** "**mouse**" is referring to a mouse that **breeds,** excluding one that generates from the earth, which does not impart impurity. Therefore, **the verse states:** "And these are they which are impure to you **among the creeping animals**[N] that creep upon the earth." The term "among the creeping animals" is interpreted as including a spontaneously generated mouse. Therefore, the term "that creep" is interpreted as indicating that creeping animals impart impurity on land and in the sea, and the phrase "upon the earth" teaches that a sea mouse is not included in the category of mouse and does not impart impurity.

אֲמַר לֵיהּ הַהוּא מְדַרְבָּנַן לְרָבָא: אֵימָא – ״בַּשֶּׁרֶץ״ – לַאֲתוּיֵי עַכְבָּר שֶׁחֶצְיוֹ בָּשָׂר וְחֶצְיוֹ אֲדָמָה, ״הַשֹּׁרֵץ״ – כָּל שֶׁהוּא שׁוֹרֵץ, וַאֲפִילּוּ עַכְבָּר שֶׁבַּיָּם. וְאִי מִשּׁוּם ״עַל הָאָרֶץ״ – עַל הָאָרֶץ – יָטַמֵּא, יָרַד לַיָּם – לֹא יְטַמֵּא!

One of the Sages said to Rava: Say the interpretation of the verse differently. The term "**among the creeping animals**" serves **to include a mouse that is half-flesh half-earth** among those that impart impurity. The term "**that creep**" teaches that **any** animal **that creeps** imparts impurity, **and even a sea mouse. And if** one should reject this interpretation **due to** the phrase "**upon the earth,**" which seems to indicate that a sea mouse does not impart impurity, that phrase teaches that a creeping animal **imparts impurity** only when it is **on land,** but if it **descended to the sea** it **does not impart impurity.**

אֲמַר לֵיהּ: וּמַאַחַר דְּשַׁוִּיתֵיהּ לַיָּם מְקוֹם טוּמְאָה, מַה לִּי הָכָא, מַה לִּי הָכָא?

Rava **said to him:** Your suggestion is not logical. According to your opinion, a sea mouse, which is in the sea, imparts impurity. **And since you consider the sea a location of impurity,** it is impossible to suggest that a mouse does not impart impurity when it is located in the sea. Since both land and sea are places of impurity, **what** difference does it make **for me** if the mouse is located **here** on land, and **what** difference does it make **for me** if it is located **there** in the sea?

וְהַאי ״עַל הָאָרֶץ״ מִיבָּעֵי לֵיהּ לְהוֹצִיא סְפֵק טוּמְאָה צָפָה! דַּאֲמַר רַב יִצְחָק בַּר אַבְדִּימִי: ״עַל הָאָרֶץ״ – לְהוֹצִיא סְפֵק טוּמְאָה צָפָה!

The Gemara asks: How can the *baraita* interpret the phrase "upon the earth" as teaching that a sea mouse does not impart impurity? Isn't **this** phrase: "**Upon the earth,**" **necessary to exclude** a case of **uncertainty** involving **a floating** source of **impurity?** If a person is uncertain whether he touched a source of impurity that is floating in the water, he remains pure even if the incident took place in a private domain, where a case of uncertain impurity is generally deemed impure. **As Rav Yitzḥak bar Avdimi said:** The phrase "**upon the earth**" is written **to exclude** a case of **uncertainty** involving **a floating** source of **impurity.**

תַּרְתֵּי ״עַל הָאָרֶץ״ כְּתִיבִי.

The Gemara answers: The phrase "**upon the earth**" **is written two** times in the passage. One instance is written to exclude a case of uncertainty involving a source of impurity that is floating, and the other instance teaches that a sea mouse does not impart impurity.

תָּנוּ רַבָּנַן: ״הַצָּב לְמִינֵהוּ״ – לְהָבִיא הָעַרְוָד, וְכֵן הַנְּפִילִים, וְסַלְמַנְדְּרָא.

§With regard to the topic of the eight creeping animals mentioned in the Torah, **the Sages taught** in a *baraita*: The verse: "**The great lizard after its kinds**" (Leviticus 11:29) **includes** in the category of creeping animals **the *arvad,*** a type of snake, **and also** the creeping animals called ***nefilim*** **and salamander** [***salamandera***].[LN]

LANGUAGE

Salamander [*salamandera*] – סַלְמַנְדְּרָא: From the Greek σαλαμάνδρα, *salamandra*, a tailed amphibian. Ancient Greeks also ascribed powers of extinguishing fire to this creature.

NOTES

The verse states: Among the creeping animals – תַּלְמוּד לוֹמַר בַּשֶּׁרֶץ: The commentaries offer different explanations as to the interpretation of the verse. Rashi explains that the verse states: "And these are they which are impure to you among the creeping animals that creep upon the earth…These are they which are impure to you among all that creep" (Leviticus 11:29–31). The repetition of the terms "among the creeping animals [*basheretz*]" and "among all that creep [*bekhol hasharetz*]" indicates inclusion of a mouse that is half-flesh half-earth. Others explain that the term "among" indicates inclusion of a partial animal, i.e., one that is formed as half-flesh half-earth (*Kol HaRemez*).

Salamander [*salamandera*] – וְסַלְמַנְדְּרָא: Rashi explains that a *salamandera* is an animal created from a fire burning myrtle wood, via sorcery. Anyone who anoints himself with the blood of this creature is immune to fire. Rabbi Akiva received via tradition that this animal was a type of great lizard. Elsewhere (*Sanhedrin* 63b), Rashi explains that the *salamandera* is an animal created in a fire that is kept burning for a period of seven years. The later commentaries question why Rashi did not mention here that it takes seven years of fire to create the *salamandera*. Some explain that a *salamandera* is created in an active volcano, but it is also possible to create one via sorcery by burning a fire of myrtle wood for seven years (*Arukh*, Maharatz Ḥayyut, *Ḥatam Sofer*).

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BACKGROUND

Beavers [*beivari*] – בֵּיבָרֵי: Beavers are large rodents of the genus *Castor*. They can grow to more than one meter in length and are covered in fur. They spend most of their time in water and build a type of wood house there, which often forms a dam and creates a small lake. Nevertheless, they are also capable of walking on land, and they subsist on bark and young branches. They live in groups, enabling them to build large structures.



Eurasian beaver

Neresh, Nehar Pekod, and Pumbedita – נֶרֶשׁ, נְהַר פְּקוֹדָאָה, פּוּמְבַּדִּיתָא:



Jewish centers in Babylonia

וּכְשֶׁהָיָה רַבִּי עֲקִיבָא מַגִּיעַ לְפָסוּק זֶה אוֹמֵר: "מָה רַבּוּ מַעֲשֶׂיךָ ה'"! יֵשׁ לְךָ בְּרִיּוֹת גְּדוֹלוֹת בַּיָּם וְיֵשׁ לְךָ בְּרִיּוֹת גְּדוֹלוֹת בַּיַּבָּשָׁה, שֶׁבַּיָּם – אִילְמָלֵי עוֹלוֹת בַּיַּבָּשָׁה מִיָּד מֵתוֹת, שֶׁבַּיַּבָּשָׁה – אִילְמָלֵי יוֹרְדוֹת לַיָּם מִיָּד מֵתוֹת.

Apropos the salamander, which was thought to generate from fire, the *baraita* continues: **When Rabbi Akiva would reach this verse** in Leviticus, he would **say** in exclamation: **"How great are Your works, O Lord"** (Psalms 104:24). **You have creatures** that **grow in the sea and you have creatures** that **grow on land. If those in the sea would ascend to the land they would immediately die. If those that are on land would descend to the sea they would immediately die.**

יֵשׁ לְךָ בְּרִיּוֹת גְּדוֹלוֹת בָּאוֹר, וְיֵשׁ לְךָ בְּרִיּוֹת גְּדוֹלוֹת בָּאֲוִיר, שֶׁבָּאוֹר – אִילְמָלֵי עוֹלוֹת לָאֲוִיר מִיָּד מֵתוֹת, שֶׁבָּאֲוִיר – אִילְמָלֵי יוֹרְדוֹת לָאוֹר מִיָּד מֵתוֹת. "מָה רַבּוּ מַעֲשֶׂיךָ ה'".

Similarly, **you have creatures** that **grow in the fire and you have creatures** that **grow in the air. If those in the fire would ascend to the air they would immediately die. If those in the air would descend to the fire they would immediately die.** Therefore, **"how great are Your works, O Lord."**

תָּנוּ רַבָּנָן: כָּל שֶׁיֵּשׁ בַּיַּבָּשָׁה יֵשׁ בַּיָּם, חוּץ מִן הַחוּלְדָּה. אָמַר רַבִּי זֵירָא: מַאי קְרָאָה – "הַאֲזִינוּ כָּל יֹשְׁבֵי חָלֶד".

§The Gemara continues to discuss creatures living in a particular environment. **The Sages taught** in a *baraita* (*Tosefta*, *Kilayim* 5:10): For **every** animal **that exists on land there is** an equivalent animal **in the sea, except for the weasel,** which exists only on land. **Rabbi Zeira said: What is the verse** from which it is derived? It is written: **"Listen all you inhabitants of the world** [*ḥeled*]" (Psalms 49:2). Dry land is called *ḥeled* because it is the sole habitat for the weasel [*ḥulda*].

אָמַר רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ: בֵּיבָרֵי דְּנֶרֶשׁ אֵינָן מִן הַיִּשּׁוּב.

In continuation of the discussion of creatures living in a particular environment, **Rav Huna the son of Rav Yehoshua said: The beavers**[B] of the region **of Neresh are not from the settled area,** because they live only in the water and not on dry land. Consequently, one who eats their meat is not liable to receive lashes for violating the prohibition: "And every creeping animal that creeps upon the earth is a detestable thing; it shall not be eaten" (Leviticus 11:41).

אָמַר רַב פַּפָּא: בְּשַׁמְתָּא נֶרֶשׁ, תַּרְבֵּיהּ מַשְׁכֵּיהּ וַאֲלִיתֵיהּ. "אֶרֶץ אֶרֶץ אֶרֶץ שְׁמְעִי דְּבַר ה'", אָמַר רַב פַּפָּא: לֹא אָבְדָה נֶרֶשׁ שְׁמוֹעַ דְּבַר ה'.

§Apropos the region surrounding Neresh, **Rav Pappa said:** The people of the city of **Neresh** shall be placed **under excommunication,** as they are all wicked, including **its fat, its hide, and its tail,** i.e., all types of people, both old and young. The Gemara continues to discuss Neresh. The verse states: **"Oh land, land, land hear the word of the Lord"** (Jeremiah 22:29). **Rav Pappa said:** This verse is appropriate with regard to the inhabitants of Neresh, as **Neresh does not want to listen to the word of the Lord.**

אָמַר רַב גִּידֵּל, אָמַר רַב: נַרְשָׁאָה נַשְּׁקִיךְ – מְנִי כָּכִיךְ. נְהַר פְּקוֹדָאָה לַוְּיֵיךְ – מִגְּלִימָא שְׁפִירָא דְּחָזֵי עֲלָךְ. פּוּמְבַּדִּיתָאָה לַוְּיֵיךְ – אַשְׁנֵי אוּשְׁפִּיזָךְ.

Furthermore, **Rav Giddel said** that **Rav said: If a resident of Neresh kisses you, count your teeth** to make sure he did not steal one. And if **a resident of** the city of **Nehar Pekod accompanies you** on a journey, it is **because of the beautiful jacket that he sees on you** and wants to steal from you. If **a resident of Pumbedita**[B] **accompanies you** on a journey, **change your lodging place** because there is a concern that he will rob you.

אָמַר רַב הוּנָא בַּר תּוֹרְתָּא: פַּעַם אַחַת הָלַכְתִּי לַוְּועַד וְרָאִיתִי נָחָשׁ שֶׁהוּא כָּרוּךְ עַל הַצָּב, לְיָמִים יָצָא עֲרוֹד מִבֵּינֵיהֶם.

§The Gemara returns to discussing different types of creatures. **Rav Huna bar Torta said: Once I went to** the city of **Va'ad and I saw** that the locals were in the practice of placing **a snake wrapped around a great lizard** in order to breed the two. **After a period of time, an *arvad*,** a snake that bites and kills people, **emerged from between them.**

וּכְשֶׁבָּאתִי לִפְנֵי רַבִּי שִׁמְעוֹן הֶחָסִיד, אָמַר לִי: אָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא: הֵם הֵבִיאוּ בְּרִיָּה שֶׁלֹּא בָּרָאתִי בְּעוֹלָמִי, אַף אֲנִי אָבִיא עֲלֵיהֶם בְּרִיָּה שֶׁלֹּא בָּרָאתִי בְּעוֹלָמִי.

And when I came before Rabbi Shimon the Righteous, he explained why this crossbreeding created an *arvad* and **said to me: The Holy One, Blessed be He, said:** These residents of Va'ad **caused the emergence of a creature that I did not create in My world** by crossbreeding a snake and a great lizard; **so too, I will bring upon them** a punishment, the hazard of this uniquely dangerous **creature that I did not create in My world,** i.e., an *arvad*.

וְהָאָמַר מָר: כָּל שֶׁתַּשְׁמִישָׁן וְעִיבּוּרָן שָׁוֶה – יוֹלְדִין וּמַגְדִּילִין זֶה מִזֶּה, וְכָל שֶׁאֵין תַּשְׁמִישָׁן וְעִיבּוּרָן שָׁוֶה – אֵין יוֹלְדִין וּמַגְדִּילִין זֶה מִזֶּה!

The Gemara objects: **But didn't the Master say: All** different animals **whose** method of **procreation and** period of **gestation are the same** are able to **reproduce and raise offspring together. But all** animals **whose** method of **procreation and** period of **gestation are not the same cannot reproduce and raise offspring together.** And the gestation period for a great lizard and a snake are not equal.

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אָמַר רַב: נֵס בְּתוֹךְ נֵס. הַאי פּוּרְעָנוּתָא הוּא! מַאי ״נֵס בְּתוֹךְ נֵס״ – לְפוּרְעָנוּת.

Rav says: It was **a miracle within a miracle** that they were able to reproduce and a new creature was born. The Gemara asks: Why is **this** considered a miracle? **It was a calamity** because an *arvad* was born. The Gemara answers: **What** is meant by **a miracle within a miracle?** It was a miraculous **calamity** for the wicked people, to punish them for their actions.

מתני׳ הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בַּבְּהֵמָה – מְטַמְּאִין טוּמְאַת אוֹכָלִין בִּמְקוֹמָן, וּצְרִיכִין הֶכְשֵׁר,

MISHNA **The limb** of an animal, with flesh, sinews, and bones, **and the flesh** of an animal, **that were** partially severed and remain **hanging from the animal**[H] do not have the halakhic status of a limb severed from a living animal, which imparts impurity like an unslaughtered carcass, or of flesh severed from a living animal, which is ritually pure, respectively. If one had intent to eat the limb or the flesh, the limb or flesh becomes impure if it comes in contact with a source of impurity, and they **impart impurity as food** to other foods and liquids, although they remain **in their place** attached to the animal. **But** in order for them to become impure, **they need** to be **rendered susceptible** to impurity through contact with one of the seven liquids that facilitate susceptibility.

HALAKHA

The limb and the flesh that were hanging from the animal – הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בַּבְּהֵמָה: The limb of an animal and the flesh of an animal that were partially severed and will not heal and which remain hanging from the animal do not have the halakhic status of a limb severed from a living animal, which imparts impurity like an unslaughtered carcass. Rather, they have the status of food and impart impurity as food to other foods and liquids. In order for the limb to become impure, it needs to be rendered susceptible to impurity through contact with one of the seven liquids that facilitate susceptibility (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:5).

Perek **IX**
Daf **127** Amud **b**

נִשְׁחֲטָה הַבְּהֵמָה – הוּכְשְׁרוּ בְּדָמָיָהּ, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי שִׁמְעוֹן אוֹמֵר: לֹא הוּכְשְׁרוּ.

If **the animal was slaughtered,**[H] although this act of slaughter does not render it permitted for consumption by a Jew (see 73b), the limb and the flesh **were** thereby **rendered susceptible** to impurity by coming in contact **with the blood of** the slaughtered animal,[N] as blood is one of the seven liquids; this is **the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered susceptible** to impurity through the animal's own blood; they are rendered susceptible only once they have been wet with another liquid.

מֵתָה הַבְּהֵמָה – הַבָּשָׂר צָרִיךְ הֶכְשֵׁר. הָאֵבֶר מְטַמֵּא מְשׁוּם אֵבֶר מִן הַחַי, וְאֵינוֹ מְטַמֵּא מְשׁוּם אֵבֶר נִבֵּלָה, דִּבְרֵי רַבִּי מֵאִיר. וְרַבִּי שִׁמְעוֹן מְטַהֵר.

If **the animal died**[H] without slaughter, **the** hanging **flesh needs** to be **rendered susceptible** to impurity in order to become impure, as its halakhic status is that of flesh severed from a living animal, which is ritually pure and does not have the status of an unslaughtered carcass. **The** hanging **limb imparts impurity as a limb** severed **from a living** animal **but does not impart impurity as the limb of** an unslaughtered **carcass;** this is **the statement of Rabbi Meir. And Rabbi Shimon deems** the limb **ritually pure.**

גמ׳ טוּמְאַת אוֹכָלִין – אִין, טוּמְאַת נְבֵלָה – לָא.

GEMARA The mishna states that the limb of an animal that was partially severed and remains hanging from the animal imparts impurity as food if one had intent to eat it. The Gemara infers: It imparts **impurity as food, yes,** but it does **not** impart **the impurity of a carcass,** which can be transmitted to people and utensils in addition to food.

NOTES

The limb and the flesh were rendered susceptible to impurity with the blood of the slaughtered animal – הוּכְשְׁרוּ בְּדָמָיָהּ: The slaughter of an animal does not permit one to consume a partially severed limb. This *halakha* is derived from the verse: "And any flesh torn of animals in the field you shall not eat" (Exodus 22:30), indicating that even a partially severed limb of an animal is forbidden for consumption because it is included in the prohibition against eating a torn animal. Nevertheless, slaughter does affect a partially severed limb in two ways: First, the limb is not considered an unslaughtered carcass after the slaughter, and second, the slaughter renders the limb susceptible to impurity because it has come into contact with the blood of the slaughter (Rashi).

HALAKHA

If the animal was slaughtered – נִשְׁחֲטָה הַבְּהֵמָה: With regard to the limb of an animal and the flesh of an animal, if they were partially severed and will not heal, and they remain hanging from the animal, they do not have the halakhic status of a limb severed from a living animal, which imparts impurity like an unslaughtered carcass. If the animal is slaughtered, the limb and the flesh are rendered susceptible to impurity as food, but they do not impart the impurity of a carcass because, unlike a limb that falls from a living animal, they do not have the status of an unslaughtered carcass (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:5).

If the animal died, etc. – מֵתָה הַבְּהֵמָה וכו׳: If the animal died, any hanging flesh needs to be rendered susceptible to impurity in order to become impure, as its halakhic status is that of flesh severed from a living animal, which is ritually pure. A hanging limb imparts impurity due to its status as a limb severed from a living animal and does not impart impurity due to the status of the limb of an unslaughtered carcass. What is the difference between the impurity of a limb severed from a living animal and that of an unslaughtered carcass? Flesh that comes from a limb severed from a living animal is pure, but flesh that is severed from a limb severed from a carcass imparts impurity via contact and carrying. Both types of impurity are equivalent with regard to the requisite measure of an olive-bulk. This ruling is in accordance with the opinion of Rabbi Meir (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:5).

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BACKGROUND

Gourd – דְּלַעַת: This is referring to the bottle gourd, *Lagenaria vulgaris*, a pale-green summer vegetable shaped like a bottle. It grows on vines that generally lie on the ground but are occasionally suspended on trees. The gourd is a large vegetable, measuring 40–50 cm long and 25–30 cm wide. Young gourds are usually eaten cooked, and their seeds are roasted.



Bottle gourd

הֵיכִי דָּמֵי, אִי דְּמַעֲלִין אֲרוּכָה – אֲפִילּוּ טוּמְאַת אוֹכָלִין נַמִּי לָא לִיטְמוּ. וְאִי דְּאֵין מַעֲלִין אֲרוּכָה – טוּמְאַת נְבֵלָה נַמִּי לִיטְמוּ!

The Gemara asks: **What are the circumstances? If** the limb **can heal** and reattach to the animal's body then **it should not be susceptible even to impurity as food. And if it cannot heal, it should impart the impurity of a carcass as well.**

לְעוֹלָם דְּאֵין מַעֲלִין אֲרוּכָה, וְשָׁאנֵי טוּמְאַת נְבֵלָה, דְּרַחֲמָנָא אֲמַר: ״כִּי יִפֹּל״ – עַד שֶׁיִּפּוֹל.

The Gemara answers: **Actually,** the mishna is discussing a case **where** the limb **will not heal, and** the reason that the limb does not impart impurity of a carcass is that **the impurity of a carcass is different** and unique, **as the Merciful One states** with regard to the impurity of a carcass: "And **if** any of their carcass **fall** upon any sowing seed" (Leviticus 11:37), indicating that the severed limb of an animal is not considered a carcass **until it** completely **falls** from the animal.

תַּנְיָא נַמִּי הָכִי: הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בַּבְּהֵמָה וּמְעוּרִין בְּחוּט הַשַּׁעֲרָה, יָכוֹל יִטַּמְּאוּ טוּמְאַת נְבֵלָה – תַּלְמוּד לוֹמַר: ״יִפֹּל״ – עַד שֶׁיִּפּוֹל. וַאֲפִילּוּ הָכִי, טוּמְאַת אוֹכָלִין מְיַטַּמְּאִין.

This explanation **is also taught** in a *baraita*: With regard to **the limb and the flesh** of an animal **that** were partially severed and remain **hanging from the animal and are connected** to the animal **by** a connector the size of **a strand of hair,** one **might** have thought that **they impart the impurity of a carcass.** Therefore, **the verse states:** "And if any of the carcass **fall,**" indicating that a severed limb does not impart the impurity of a carcass **until it** completely **falls** from the animal. **And nevertheless,** despite the fact that it is not considered severed with regard to the impurity of a carcass, such a limb is considered severed with regard to **being susceptible to impurity as food.**

מְסַיַּיע לֵיהּ לְרַב חִיָּיא בַּר אַשִׁי, דַּאֲמַר רַב חִיָּיא בַּר אַשִׁי, אֲמַר שְׁמוּאֵל: תְּאֵנִים שֶׁצָּמְקוּ בְּאִיבֵּיהֶן – מְטַמְּאוֹת טוּמְאַת אוֹכָלִין, וְהַתּוֹלֵשׁ מֵהֶן בַּשַּׁבָּת – חַיָּיב חַטָּאת.

This explanation **supports** the opinion of **Rav Ḥiyya bar Ashi, as Rav Ḥiyya bar Ashi said** that **Shmuel said:** With regard to **figs that dried** while still attached to **their tree,**[H] despite the fact that they are still attached, they are considered as if they have been picked and **are susceptible to impurity as food. But** with regard to **one who picks them on Shabbat**[H] they are considered attached, and **he is liable** to bring **a sin offering.** Just as a partially severed limb of an animal is considered both attached and severed with regard to different *halakhot*, so too this dried fruit is considered both attached and detached with regard to different *halakhot*.

לֵימָא מְסַיַּיע לֵיהּ: יְרָקוֹת שֶׁצָּמְקוּ בְּאִיבֵּיהֶן, כְּגוֹן הַכְּרוּב וְהַדְּלַעַת – אֵין מְטַמְּאִין טוּמְאַת אוֹכָלִין. קְצָצָן וְיִבְּשָׁן – מְטַמְּאִין טוּמְאַת אוֹכָלִין.

Let us say that a *baraita* (*Tosefta*, *Okatzin* 2:11) **supports** the opinion of Shmuel, who holds that dried figs still attached to the tree are considered as if they are detached with regard to susceptibility to impurity as food: **Vegetables that dried** while they are attached to **their plant, such as cabbage and gourd,**[BH] which become hard as wood and inedible when dried, **are not susceptible to impurity as food.** But if **one cut them** when they were still moist **and** then **dried them** in order to use them for fuel, or, in the case of gourds, to make utensils out of them, **they are susceptible to impurity as food.**

HALAKHA

Figs that dried while still attached to their tree – תְּאֵנִים שֶׁצָּמְקוּ בְּאִיבֵּיהֶן: Figs that dried while still attached to their tree are susceptible to contract impurity as food. This ruling is in accordance with the opinion of Rav Ḥiyya bar Ashi in the name of Shmuel (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:5).

One who picks them on Shabbat – וְהַתּוֹלֵשׁ מֵהֶן בַּשַּׁבָּת: With regard to figs that dried while still attached to their tree, one who picks them on Shabbat is liable to bring a sin offering, despite the fact that with regard to susceptibility to contracting impurity they are considered as if they had been picked. This ruling is in accordance with the opinion of Rav Ḥiyya bar Ashi in the name of Shmuel (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 8:4).

Vegetables that dried while attached to their plant such as cabbage and gourd – יְרָקוֹת שֶׁצָּמְקוּ בְּאִיבֵּיהֶן כְּגוֹן הַכְּרוּב וְהַדְּלַעַת: Vegetables that dried while attached to their plant, such as cabbage and gourd, are not susceptible to impurity as food (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:3).

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קָצָצָן וְיִבְּשָׁן סָלְקָא דַּעְתָּךְ? עֵץ בְּעָלְמָא הוּא! וְאָמַר רַבִּי יִצְחָק: בְּעַל מְנָת לְיַבְּשָׁן.

The Gemara asks: **Does it enter your mind** that if **one cut them and dried them** they are susceptible to impurity as food? Such a vegetable **is merely wood,** and it is inedible. **And Rabbi Yitzḥak says:** The *baraita* is discussing a case **where** one cut the vegetables when they were still moist **in order to dry them.**[H] The novelty of the *baraita* is that even though one intends to dry the vegetables and render them inedible, as long as they are still moist they are susceptible to impurity as food.

טַעֲמָא דְּכָרוּב וּדְלַעַת הוּא, כֵּיוָן דְּיִבְּשָׁן – לָאו בְּנֵי אֲכִילָה נִינְהוּ, הָא שְׁאָר פֵּירוֹת – מְטַמְּאִי!

The Gemara infers: **The reason** for this *halakha* in the *baraita* is **that it is** discussing **cabbage and gourd: Since one dried them, they are inedible** and consequently are not susceptible to impurity as food. **But other** types of **produce,** which are edible when dried, **are susceptible to impurity.**

הֵיכִי דָּמֵי, אִי דְּיִבְּשָׁן הֵן וְעוּקְצֵיהֶן – פְּשִׁיטָא, אֶלָּא לָאו: בְּלָא עוּקְצֵיהֶן.

The Gemara explains the suggested support to Shmuel: **What are the circumstances? If one dried** both the produce **itself and its stems,** isn't it **obvious** that the produce is no longer considered attached to the plant and is susceptible to impurity? If so, it would be unnecessary for the *baraita* to teach this. **Rather, isn't** the *baraita* discussing a case where one dried the produce **without** drying **its stems?** Accordingly, in such a case the produce is considered detached with regard to impurity even though it is considered attached with regard to Shabbat, in accordance with the statement of Shmuel.

לְעוֹלָם הֵן וְעוּקְצֵיהֶן, וּקְצָצָן עַל מְנָת לְיַבְּשָׁן אִיצְטְרִיכָא לֵיהּ.

The Gemara rejects this interpretation: The *baraita* is not necessarily discussing that case. **Actually,** the *baraita* is discussing a case where both the produce **itself and its stems** were dried. **And** although it appears that the *halakha* is obvious in such a case, **it was necessary for** the *baraita* to mention it in order to teach the latter clause of the *baraita*: In a case where one **cut** the cabbage and gourd when they were still moist **in order to dry them,** they are susceptible to impurity as long as they are still moist.

תָּא שְׁמַע: אִילָן שֶׁנִּפְשַׁח וּבוֹ פֵּירוֹת – הֲרֵי הֵן כִּתְלוּשִׁין, יָבְשׁוּ – הֲרֵי הֵן כִּמְחוּבָּרִין. מַאי לָאו, מַה תְּלוּשִׁין – לְכָל דִּבְרֵיהֶן, אַף מְחוּבָּרִין – לְכָל דִּבְרֵיהֶן!

The Gemara suggests: **Come** and **hear** a challenge to the opinion of Shmuel from a *baraita*: In the case of **a tree from which a branch broke off, and** the branch **has fruit** attached to it,[H] even if the fruit is still moist **it is considered detached** from the tree. But if the branch did not break off, and the fruit **dried** on the tree, **it is considered attached. What, isn't** the ruling of the *baraita* that **just as** in the first clause the fruit on the detached branch is considered **detached with regard to all matters,** the *halakhot* of both Shabbat and impurity, **so too** in the latter clause the fruit that dried on the tree is considered **attached** to the tree **with regard to all matters,** even the transmission of impurity, contrary to the opinion of Shmuel?

מִידֵּי אִירְיָא? הָא כִּדְאִיתָא, וְהָא כִּדְאִיתָא.

The Gemara rejects this challenge: **Are the cases comparable? This** case is **as it is, and that** case is **as it is.** In the first clause of the *baraita*, the fruit on the detached branch is considered detached with regard to all matters. In the latter clause of the *baraita*, the dried fruit on the tree is considered attached with regard to Shabbat but detached with regard to impurity.

״נִשְׁחֲטָה הַבְּהֵמָה״ [וכו׳]. בְּמַאי קָא מִיפַּלְגִי?

§ The mishna teaches: If **the animal was slaughtered,** Rabbi Meir holds that with the blood of the slaughtered animal the limb and the flesh were rendered susceptible to impurity. Rabbi Shimon says that they were not rendered susceptible with the animal's own blood. The Gemara asks: **With regard to what** principle **do** Rabbi Meir and Rabbi Shimon **disagree?**

HALAKHA

In order to dry them – עַל מְנָת לְיַבְּשָׁן: If one cut vegetables in order to dry them, as long as they are still moist, the vegetables are susceptible to impurity as food (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 2:3).

A tree from which a branch broke off and has fruit attached to it – אִילָן שֶׁנִּפְשַׁח וּבוֹ פֵּירוֹת: If fruit is attached to a branch that was cut from a tree, the fruit is considered detached from the tree (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 2:4).

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אֲמַר רַבָּה: בִּבְהֵמָה נַעֲשֵׂית יָד לְאֵבֶר קָמִיפַּלְגִי. מָר סְבַר: אֵין בְּהֵמָה נַעֲשֵׂית יָד לְאֵבֶר. וּמָר סְבַר: בְּהֵמָה נַעֲשֵׂית יָד לְאֵבֶר.

Rabba said: The mishna is discussing a case where the blood of the slaughtered animal came into contact with the body of the animal but not with the partially severed limb. The *tanna'im* agree that if an appendage that constitutes a handle is rendered susceptible to impurity, the food to which it is attached is also rendered susceptible. But **they disagree with regard to** whether **an animal constitutes a handle for** its **limb.** One **Sage,** Rabbi Shimon, **holds** that **an animal does not constitute a handle for** its **limb,** and therefore the limb is not rendered susceptible to contract impurity along with the body of the animal. **And** one **Sage,** Rabbi Meir, **holds** that **an animal constitutes a handle for** its **limb,**[H] and therefore the limb is rendered susceptible along with the body of the animal.

אַבָּיֵי אָמַר: בְּאוֹחֵז בְּקָטָן וְאֵין גָּדוֹל עוֹלֶה עִמּוֹ קָמִיפַּלְגִי.

Abaye said a different explanation of the dispute between Rabbi Meir and Rabbi Shimon: The mishna is discussing a case where the blood of the slaughtered animal came into contact with the body of the animal but not with the partially severed limb, and both *tanna'im* agree that an animal does not constitute a handle for its limb. But they also agree that if the liquid comes into contact with only part of the food it renders the entire item susceptible to impurity. Therefore, if the partially severed limb is considered part of the animal it is rendered susceptible to impurity along with the animal. Rabbi Meir and Rabbi Shimon **disagree with regard to** whether the limb is considered part of the animal, and generally speaking, with regard to any case where a small part of an item is hanging off the larger part such that if one **grasps** and lifts the **small** part the **large** part **does not ascend with it.**

מָר סְבַר: אוֹחֵז בְּקָטָן וְאֵין גָּדוֹל עוֹלֶה עִמּוֹ – הֲרֵי הוּא כָּמוֹהוּ. וּמָר סְבַר: אֵינוֹ כָּמוֹהוּ.

One **Sage,** Rabbi Meir, **holds** that although if one **grasps** and lifts the **small** part the **large** part **does not ascend with it,** the small part **is** still considered one and **the same** with the large part. Therefore, a partially severed limb is rendered susceptible to impurity along with the body of the animal. **And** one **Sage,** Rabbi Shimon, **holds** that the small part **is not** considered one and **the same** with the large part in such a case, and therefore the partially severed limb is not rendered susceptible to impurity along with the body of the animal.

וְאַף רַבִּי יוֹחָנָן סָבַר בְּאוֹחֵז בְּקָטָן וְאֵין גָּדוֹל עוֹלֶה עִמּוֹ קָא מִיפַּלְגִי.

And Rabbi Yoḥanan also holds in accordance with the explanation of Abaye that the *tanna'im* **disagree with regard to** the status of a small part of an item that is hanging off the larger part such that one **grasps** the **small** part **and** the **large** part **does not ascend with it.**

דְּרַבִּי יוֹחָנָן רָמֵי דְּרַבִּי מֵאִיר אַדְּרַבִּי מֵאִיר: מִי אָמַר רַבִּי מֵאִיר אוֹחֵז בְּקָטָן וְאֵין גָּדוֹל עוֹלֶה עִמּוֹ הֲרֵי הוּא כָּמוֹהוּ?

As Rabbi Yoḥanan raises a contradiction between one statement **of Rabbi Meir and** another statement **of Rabbi Meir: Did Rabbi Meir** actually **say** that even in a case where one **grasps** the **small** part of an item **and** the **large part does not ascend with it,** the small part **is** still considered one and **the same** with the large part?

וּרְמִינְהוּ: אוֹכֶל שֶׁנִּפְרַס וּמְעוּרָה בְּמִקְצָת,

One can **raise a contradiction** to this statement from a mishna (*Tevul Yom* 3:1): With regard to a piece of **food that was sliced** from a larger piece of food **and** remains **partially connected** to the larger piece,[H] the entire item is considered one and the same with regard to impurity. If one who was previously ritually impure and immersed that day and is waiting for nightfall for the purification process to be completed touched either piece of the item, the entire item becomes impure.

HALAKHA

An animal constitutes a handle for its limb – בְּהֵמָה נַעֲשֵׂית יָד לְאֵבֶר: An animal constitutes a handle for its limb. Therefore, if an animal is slaughtered, a partially severed limb is rendered susceptible to impurity along with the body of the animal. This ruling is in accordance with the opinion of Rabbi Meir (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:6, and see *Kesef Mishne* there).

Food that was sliced and remains partially connected – אוֹכֶל שֶׁנִּפְרַס וּמְעוּרָה בְּמִקְצָת: In the case of a piece of food that was sliced from a larger piece of food and remains partially connected to the larger piece, if one of the pieces was rendered impure and one grasped that piece, if the other piece ascends with it, they are considered connected and share the same level of impurity. But if when one lifts the impure piece the other falls off, they are not considered connected, and the other piece is only considered as if it touched the impure piece. This ruling is in accordance with the opinion of Rabbi Meir as cited in the Gemara here, which is identical to the opinion of the Sages as cited in the mishna in tractate *Tevul Yom* (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 6:9).

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רַבִּי מֵאִיר אוֹמֵר: אִם אוֹחֵז בְּקָטָן וְגָדוֹל עוֹלֶה עִמּוֹ – הֲרֵי הוּא כָּמוֹהוּ, וְאִם לָאו – אֵינוֹ כָּמוֹהוּ.

Rabbi Meir says: If when one **grasps the small** piece, the **large** piece **ascends with it,** it **is** considered one and **the same;**[N] **but if** it does **not** ascend with it, it **is not** considered one and **the same.** This statement of Rabbi Meir is not in accordance with his statement in the mishna that a partially severed limb is part of the body of the animal and is rendered susceptible to impurity along with the body even if one lifts the partially severed limb and the body of the animal does not ascend with it.

וְאָמַר רַבִּי יוֹחָנָן: מוּחְלֶפֶת הַשִּׁיטָה.

And Rabbi Yoḥanan resolves the contradiction and **says: The** attribution of the **opinions** in tractate *Tevul Yom* **is reversed.**[N] Indeed, Rabbi Meir holds that even if when one lifts the smaller piece, the larger piece does not ascend with it, it is still the same item. Therefore, it is apparent that Rabbi Yoḥanan explains the dispute between Rabbi Meir and Rabbi Shimon in the mishna in accordance with the explanation of Abaye.

וּמַאי קוּשְׁיָא? דִּילְמָא שָׁנֵי לֵיהּ לְרַבִּי מֵאִיר בֵּין טְבוּל יוֹם לִשְׁאָר טוּמְאוֹת?

With regard to the contradiction between the two statements of Rabbi Meir, the Gemara asks: **What is the difficulty? Perhaps Rabbi Meir distinguishes between** the impurity of **one who immersed that day and other types of impurity.** The impurity of one who immersed that day is a more lenient type of impurity, because he has already immersed and need only wait until the end of the day in order to consume sacrificial offerings. Therefore, there is reason to be more lenient when he touches a partially severed piece of food and to rule that the entire food item does not become impure.

תַּנְיָא, רַבִּי אוֹמֵר: אֶחָד טְבוּל יוֹם וְאֶחָד שְׁאָר טוּמְאוֹת.

The Gemara answers: One cannot make such a distinction between different types of impurity because it **is taught** in a *baraita* that **Rabbi** Yehuda HaNasi **says:** With regard to **both** the impurity of **one who immersed that day and other types of impurity,** the *halakhot* of contact are the same; whatever is considered contact that transmits impurity with regard to one type of impurity transmits impurity for all types of impurity.

וְדִילְמָא: לְרַבִּי לָא שָׁנֵי לֵיהּ, וּלְרַבִּי מֵאִיר שָׁנֵי לֵיהּ?

The Gemara asks: **But perhaps Rabbi** Yehuda HaNasi **does not distinguish** between the impurity of one who immersed that day and other types of impurity **and Rabbi Meir does distinguish** in such a manner. Therefore, there is no contradiction between the statements of Rabbi Meir.

אָמַר רַבִּי יאשִׁיָּה, הָכִי אָמַר רַבִּי יוֹחָנָן: לְדִבְרֵי רַבִּי מוּחְלֶפֶת הַשִּׁיטָה.

Rabbi Yoshiya said: This is what Rabbi Yoḥanan meant to **say: According to the statement of Rabbi** Yehuda HaNasi, who does not distinguish between the impurity of one who immersed that day and other types of impurity, there is a contradiction between the two statements of Rabbi Meir, and **the** attribution of the **opinions** in the mishna in tractate *Tevul Yom* **is reversed.**

NOTES

If when one grasps the small piece, the large piece ascends with it, it is considered one and the same – אִם אוֹחֵז בְּקָטָן וְגָדוֹל עוֹלֶה עִמּוֹ הֲרֵי הוּא כָּמוֹהוּ: *Tosafot* point out that the contradiction between the two statements of Rabbi Meir is based on the text of the mishna in tractate *Tevul Yom* that the Gemara cites. But the version of that mishna that appears in tractate *Tevul Yom* reads differently: Rabbi Meir says: If when one grasps the large piece, the small piece ascends with it, it is considered one and the same. Rabbi Yehuda says: If when one grasps the small piece, the large piece ascends with it, it is considered one and the same. Based on this version of the mishna there is no contradiction between the two statements of Rabbi Meir.

The attribution of the opinions is reversed – מוּחְלֶפֶת הַשִּׁיטָה: The early commentaries disagree about the nature of the reversal of Rabbi Meir's opinion. *Tiferet Yisrael* explains that Rabbi Meir holds that even if when one grasps the smaller piece, the larger piece does not ascend with it, it is still considered part of one item. Therefore, Rabbi Meir's opinion in the mishna in tractate *Tevul Yom* is changed accordingly. By contrast, Rashi explains that the Gemara is not proposing to change the statement of Rabbi Meir. Rather, the Gemara is explaining that Rabbi Meir generally holds that even if when one grasps and lifts the smaller piece, the larger piece does not ascend with it, it is still considered part of one item. Nevertheless, Rabbi Meir deviates from his general opinion in his ruling in *Tevul Yom*.

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HALAKHA

Fat from an animal slaughtered in the villages – חֵלֶב שְׁחוּטָה בַּכְּפָרִים: In order that forbidden fat from a kosher animal slaughtered in the villages be rendered susceptible to impurity, the Jew must first have intention to use it as food. It must then come into contact with a liquid that renders it susceptible to impurity, even though it had previously come into contact with the blood of slaughter prior to the intention to use it as food. This ruling is in accordance with the opinion of Rabbi Yehuda as well as Rabbi Akiva, as Rabbi Akiva retracted his own ruling and taught the *halakha* in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:3).

Endives that one picked and rinsed in water for an animal – עוֹלְשִׁין שֶׁלְּקָטָן וְהֵדִיחָן לִבְהֵמָה: If one picked endives and rinsed them in water in order to give them to an animal, and later he reconsidered and decided to designate them for human consumption, the endives need to come into contact with liquid a second time in order to be rendered susceptible to impurity. This ruling is in accordance with the opinion of both Rabbi Yehuda and Rabbi Akiva (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 3:3).

BACKGROUND

Endives – עוֹלְשִׁין: The mishna is referring to *Cichorium endivia*, a winter vegetable similar to lettuce. There are several varieties of endives, including curly endive and broad-leaf endive. The leaves, which are clustered together tightly around the base of the plant, have a pleasant taste when they are young but become bitter as the plant matures. The flower of the plant is usually blue, but sometimes pink and white. Today the endive is mainly harvested for the chicory root, which is used as a substitute for coffee.



Endive plants

רָבָא אָמַר: בְּיֵשׁ יָד לְטוּמְאָה וְאֵין יָד לְהָכְשֵׁר קָמִיפַּלְגִי.

Rava said a different explanation of the dispute between Rabbi Meir and Rabbi Shimon: The mishna is discussing a case where the blood from the slaughter came into contact with the body of the animal but not with the partially severed limb, and both *tanna'im* agree that an animal constitutes a handle for its limb. **They disagree with regard to** the principle that **there is** a status of **a handle,** i.e., a handle is considered part of the item itself, **with regard to** transmitting **impurity** to the attached food, **but there is no** status of **a handle with regard to rendering** the attached food **susceptible** to impurity, as in that regard the handle is considered a separate item.

מָר סָבַר: יֵשׁ יָד לְטוּמְאָה וְאֵין יָד לְהָכְשֵׁר, וּמָר סָבַר: יֵשׁ יָד לְטוּמְאָה וּלְהָכְשֵׁר.

One **Sage,** Rabbi Shimon, **holds** that **there is** a status of **a handle with regard to** transmitting **impurity, but there is no** status of **a handle with regard to rendering** the attached food **susceptible** to impurity. Therefore, although the body of the animal constitutes a handle vis-à-vis the limb, it does not render the limb susceptible to impurity. **And** one **Sage,** Rabbi Meir, **holds** that **there is** a status of **a handle** both **with regard to** transmitting **impurity and with regard to rendering** the attached food susceptible to impurity. Therefore, the body of the animal renders the limb susceptible to impurity.

רַב פָּפָּא אָמַר: בְּהָכְשֵׁר קוֹדֶם מַחֲשָׁבָה קָמִיפַּלְגִי.

Rav Pappa said a different explanation of the dispute: Both *tanna'im* hold that a handle renders the attached food susceptible to impurity. Yet, the mishna is discussing a case where the slaughter took place before the owner of the animal designated its meat for the consumption of a gentile. Rabbi Meir and Rabbi Shimon **disagree with regard to** whether an item can be **rendered susceptible** to impurity **before intention,** i.e., before one intends to use it as food. Rabbi Shimon holds that since the animal came in contact with the blood of the slaughter before the owner intended to use it as food, it is not rendered susceptible to impurity. Rabbi Meir holds that the susceptibility to impurity takes effect such that when the owner considers it as food it will be susceptible to impurity.

דִּתְנַן, אָמַר רַבִּי יְהוּדָה: כָּךְ הָיָה רַבִּי עֲקִיבָא שׁוֹנֶה, חֵלֶב שְׁחוּטָה בַּכְּפָרִים – צָרִיךְ מַחֲשָׁבָה, וְאֵין צָרִיךְ הָכְשֵׁר, שֶׁכְּבָר הוּכְשַׁר בִּשְׁחִיטָה.

This dispute is also found in that **which we learned** in a *baraita* (*Tosefta*, *Okatzin* 3:2): **Rabbi Yehuda says** that **Rabbi Akiva would teach this** *halakha*: **Fat** forbidden in consumption for a Jew from an animal **slaughtered in the villages**[HN] **requires intention,** i.e., designation, for consumption, for it to become susceptible to impurity. This is because the population in such places is small and there is an abundance of meat, so people do not generally consume the fat. Consequently, unless the Jewish owner intends for a gentile to consume it, it is not considered food. **But** the fat **does not require** contact with a liquid in order to be **rendered susceptible** to impurity, **as it was already rendered susceptible by the** blood of **slaughter** even though it came into contact with the blood before the Jew designated it for consumption.

אָמַרְתִּי לְפָנָיו: לִמַּדְתָּנוּ רַבֵּינוּ, עוֹלְשִׁין שֶׁלְּקָטָן וְהֵדִיחָן לַבְּהֵמָה וְנִמְלַךְ עֲלֵיהֶן לְאָדָם – צְרִיכוֹת הָכְשֵׁר שֵׁנִי! וְחָזַר רַבִּי עֲקִיבָא לִהְיוֹת שׁוֹנֶה כְּרַבִּי יְהוּדָה.

Rabbi Yehuda continues: **I said before him: You taught us, our teacher,** that in a case of **endives**[B] **that one picked and rinsed** in water **for** the consumption of **an animal,**[H] **and** one later **reconsidered** and decided to designate **them for human** consumption, the endives **need** to come into contact with liquid **a second** time in order to be **rendered susceptible** to impurity, as food designated for animal consumption does not contract impurity. Evidently, for a food item to become susceptible to impurity, its contact with liquid must occur after one designated it as food. **And Rabbi Akiva** then **retracted** his previous statement and **taught** the *halakha* **in accordance with** the statement of **Rabbi Yehuda.**

NOTES

Fat from an animal slaughtered in the villages – חֵלֶב שְׁחוּטָה בַּכְּפָרִים: Rashi offers two explanations. The first is that people prefer not to eat the fat. Since there are few residents in the villages, there is sufficient meat for everyone and no one consumes the fat. Consequently, a Jew must specifically designate the fat as food in order for it to be rendered susceptible to impurity. The second explanation is that only wealthy people can afford to eat the fat. Since the people in the villages are poor, they do not normally eat it.

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מָר סָבַר לָהּ כְּמֵעִיקָּרָא, וּמָר סָבַר לָהּ כַּחֲזָרָה.

Rav Pappa concludes: Rabbi Meir and Rabbi Shimon disagree in the same manner. One **Sage,** Rabbi Meir, **holds in accordance with** that which Rabbi Akiva taught **originally, and** one **Sage,** Rabbi Shimon, **holds in accordance with** that which Rabbi Akiva taught after his **retraction** of his original statement.

רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא אָמַר: בְּנִתְקַנֵּחַ הַדָּם בֵּין סִימָן לְסִימָן קָמִיפַּלְגִי.

Rav Aḥa, son of Rav Ika, said another explanation of the dispute: The mishna is discussing a case where the blood of slaughter came into contact with a partially severed limb, and the blood of slaughter is one of the liquids that render food susceptible to impurity. But slaughter is valid only if one cuts the two *simanim*, the windpipe and the gullet, or the majority of the two *simanim*, and the *tanna'im* **disagree with regard to** a case where **the blood** in question **was wiped off between** the cutting of the first ***siman* and** the second ***siman*.**

מָר סָבַר: יְשָׁנָהּ לַשְּׁחִיטָה מִתְּחִלָּה וְעַד סוֹף, וְהַאי דָּם שְׁחִיטָה הוּא. וּמָר סָבַר: אֵינָהּ לַשְּׁחִיטָה אֶלָּא לַסּוֹף, וְהַאי דָּם מַכָּה הוּא.

One **Sage,** Rabbi Meir, **holds** that **slaughter is** defined **from** the **beginning to** the **end** of its performance, **and this** blood that splashed on the limb **is** considered **blood of slaughter. And** one **Sage,** Rabbi Shimon, **holds** that **slaughter is** defined **only** as **the conclusion** of its performance, **and this** blood from the first *siman* **is** considered the **blood of a wound** and does not render the limb susceptible to impurity.

רַב אַשִׁי אָמַר: בִּשְׁחִיטָה מַכְשֶׁרֶת וְלֹא דָּם קָמִיפַּלְגִי.

Rav Ashi said[N] another explanation of the dispute: The case is where the blood of slaughter came in contact with the partially severed limb, but Rabbi Meir and Rabbi Shimon **disagree with regard to** the principle that the **slaughter** itself **renders** the limb **susceptible** to impurity, **and not** the **blood** of slaughter. Rabbi Shimon holds that the blood of slaughter is not one of the liquids that render food susceptible to impurity. But the slaughter itself renders the meat of the animal susceptible to impurity, because it prepares the meat for consumption. Therefore, since a partially severed limb is not prepared for consumption by the slaughter, as it remains forbidden, the slaughter does not render it susceptible to impurity. Rabbi Meir maintains that the blood of slaughter is one of the liquids that render food susceptible to impurity, and therefore, the limb is rendered susceptible.

בָּעֵי רַבָּה: בְּהֵמָה בְּחַיָּיהָ, מַהוּ שֶׁתֵּעָשֶׂה יָד לְאֵבָר? תֵּיקוּ.

§Earlier (127b), Rabba explained that Rabbi Meir and Rabbi Shimon disagree with regard to whether the body of an animal constitutes a handle for its limb. With regard to the opinion of Rabbi Meir, who holds that it does constitute a handle, **Rabba raises a dilemma: What is** the *halakha* if **an animal** with a partially severed limb came into contact with a source of impurity **during its lifetime?** In such a case, where the animal is not susceptible to contract impurity because it is alive but the partially severed limb is susceptible to contract impurity as food, does the animal **constitute a handle for** its **limb** and transmit the impurity to the limb? The Gemara concludes: The dilemma **shall stand** unresolved.

אָמַר אַבַּיֵי: הֲרֵי אָמְרוּ קִישׁוּת שֶׁנָּטְעָהּ בְּעָצִיץ, וְהִגְדִּילָה וְיָצָאת חוּץ לָעָצִיץ – טְהוֹרָה.

The Gemara introduces a similar dilemma. **Abaye says:** The Sages **said** in the mishna (*Okatzin* 2:9): In the case of an impure **cucumber**[B] **that one planted in** an unperforated **flowerpot,**[H] such that the cucumber is considered detached from the ground and susceptible to impurity as food, **and** the cucumber **grew and went out beyond** the edge of **the flowerpot** such that part of the cucumber is overlying the ground, the entire cucumber is considered attached to the ground and therefore becomes **pure.**

NOTES

Rav Ashi said, etc. – רַב אַשִׁי אָמַר וכו': The Gemara offers six explanations in total with regard to the disagreement between Rabbi Meir and Rabbi Shimon. According to the first three explanations, the mishna is discussing a case where the blood of the slaughtered animal came into contact with the body of the animal but not with the partially severed limb. Rabba explains that they disagree with regard to whether an animal becomes a handle for its limb. Abaye explains that Rabbi Meir and Rabbi Shimon disagree with regard to one who grasps a small part of an item such that the large part of the item does not ascend with the small part. Rava explains that they disagree with regard to whether a handle only imparts impurity to the attached food, but does not render the attached food susceptible to impurity, or whether it also renders the attached food susceptible to impurity.

According to the latter three explanations, the mishna is discussing a case where the blood of slaughter came into direct contact with the partially severed limb. Rav Pappa explains that Rabbi Meir and Rabbi Shimon disagree whether one must intend for the item to be used as food before it comes into contact with liquid in order for that item to be rendered susceptible to impurity. Rav Aḥa, son of Rav Ika, explains that the mishna is discussing a case where the blood is wiped off between the cutting of the first *siman* and the second *siman*, and they disagree whether slaughter is defined from the beginning to the end of its performance. Rav Ashi explains that Rabbi Meir and Rabbi Shimon disagree with regard to the fundamental question of whether the slaughter itself, and not the blood of slaughter, renders the limb susceptible to impurity.

HALAKHA

An impure cucumber that one planted in a flowerpot – קִישׁוּת שֶׁנָּטְעָהּ בְּעָצִיץ: A cucumber that was planted in a perforated flowerpot is not susceptible to impurity, even if it grew and went out beyond the edge of the flowerpot (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:9 and *Kesef Mishne* there, and see Ra'avad there).

BACKGROUND

Cucumber – קישות: The cucumber, *Cucumis chate*, is a summer fruit of the Cucurbitaceae family and is a species of gourd. It is called *melafefon* in modern Hebrew. The fruit is up to 80 cm and a width of about 3 cm, and sometimes grows bent or twisted. The fruit may be eaten raw or cooked, but it becomes bitter or sour when it is overripe.

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אָמַר רַבִּי שִׁמְעוֹן: וְכִי מַה טִּיבָהּ לְטַהֵר? אֶלָּא הַטָּמֵא בְּטוּמְאָתוֹ, וְטָהוֹר בְּטָהֳרָתוֹ.

Rabbi Shimon says: What is the nature of the impurity of the cucumber that it **is rendered pure** in such a case? **Rather, the** part of the cucumber that is inside the flowerpot and **impure** remains **in its** state of **impurity, and** the part of the cucumber that is outside the flowerpot and **pure** remains **in its** state of **purity.**

בָּעֵי אַבַּיֵי: מַהוּ שֶׁתֵּעָשֶׂה יָד לַחֲבָרְתָּהּ? תֵּיקוּ.

Based on this mishna, **Abaye raises a dilemma** according to the opinion of Rabbi Shimon: **What is** the *halakha* if the part of the cucumber outside of the flowerpot comes into contact with a source of impurity? Does the part of the cucumber outside the flowerpot **constitute a handle for its counterpart** inside the flowerpot and transmit impurity to it to it? The Gemara concludes: The dilemma **shall stand** unresolved.

אָמַר רַבִּי יִרְמְיָה: הֲרֵי אָמְרוּ הַמִּשְׁתַּחֲוֶה לַחֲצִי דְּלַעַת – אֲסָרָהּ. בָּעֵי רַבִּי יִרְמְיָה:

The Gemara relates another dilemma based on the opinion of Rabbi Shimon. **Rabbi Yirmeya says:** The Sages **said** that **one who bows down to a half of a gourd,** worshipping it as a divinity, **renders** that half of the gourd **forbidden,** i.e., it is prohibited to derive benefit from it, because it was worshipped as an idol. The other half, though, is not forbidden. Based on this ruling, **Rabbi Yirmeya raises a dilemma:**

Perek **IX**
Daf **128** Amud **b**

מַהוּ שֶׁתֵּעָשֶׂה יָד לַחֲבָרְתָּהּ? תֵּיקוּ.

According to Rabbi Shimon, an item that is forbidden due to idol worship is not susceptible to impurity as food (see 129a). **What is** the *halakha* if the forbidden part of the gourd comes into contact with a source of impurity? Does the forbidden part **constitute a handle for its** permitted **counterpart** and transmit impurity to it? The Gemara concludes: The dilemma **shall stand** unresolved.

אָמַר רַב פַּפָּא, הֲרֵי אָמְרוּ: יְחוּר שֶׁל תְּאֵנָה שֶׁנִּפְשַׁח וּמְעוּרֶה בְּקִלִּיפָּתָהּ – רַבִּי יְהוּדָה מְטַהֵר, וַחֲכָמִים אוֹמְרִים: אִם יָכוֹל לִחְיוֹת – טָהוֹר, וְאִם לָאו – טָמֵא.

The Gemara discusses a similar dilemma. **Rav Pappa says:** The Sages **said** in a mishna (*Okatzin* 3:8): In the case of **a branch of a fig** tree **that was** mainly **detached**[H] from the tree **and** which remains **attached** only **to the bark of** the tree, **Rabbi Yehuda** holds that the figs on the branch are considered as if they are still attached to the tree. Therefore, he **deems** them **not susceptible to impurity. And the Rabbis say: If** one is **able** to reattach the branch to the tree such that the branch can continue **to live** and produce fruit, then it is considered as if it is attached to the tree and the fruit on it is **not susceptible to impurity. But if not,** then the fruit is **susceptible to impurity.**

בָּעֵי רַב פַּפָּא: מַהוּ שֶׁיֵּעָשֶׂה יָד לַחֲבִירוֹ? תֵּיקוּ.

With regard to this mishna, **Rav Pappa raises a dilemma:** According to the Rabbis, who distinguish between a branch that can be reattached and one that cannot, **what is** the *halakha* in the case of a branch that is mainly detached from a tree but can be reattached, and a second branch grows out from that branch, and is mainly detached from it and cannot be reattached? In such a case, the branch that can be reattached to the tree is not susceptible to contracting impurity, but the branch attached to it is. If the branch that is not susceptible to contract impurity comes into contact with a source of impurity, does it **constitute a handle for the other** branch[H] and transmit impurity to it? The Gemara concludes: The dilemma **shall stand** unresolved.

HALAKHA

A branch of a fig tree that was detached – יְחוּר שֶׁל תְּאֵנָה שֶׁנִּפְשַׁח: If a branch of a fig tree was detached from the tree and remains attached only to the bark of the tree, the fruit on the branch is susceptible to impurity if one is unable to reattach the branch to the tree such that the branch can continue to live and produce fruit. This ruling is in accordance with the opinion of the Rabbis in the mishna in tractate *Okatzin* (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:2).

Does it constitute a handle for the other branch – מַהוּ שֶׁיֵּעָשֶׂה יָד לַחֲבִירוֹ: With regard to a branch of a fig tree that was detached from the tree and remains attached only to the bark of the tree, if one is not able to reattach the branch to the tree such that the branch can continue to live and produce fruit, it is uncertain whether the rest of the tree is considered a handle for this branch in order to impart impurity to the branch, as the Gemara leaves the dilemma unresolved (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:2).

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אָמַר רַבִּי זֵירָא, הֲרֵי אָמְרוּ: אֶבֶן שֶׁבַּזָּוִית, כְּשֶׁהוּא חוֹלֵץ – חוֹלֵץ אֶת כּוּלָּהּ, וּכְשֶׁהוּא נוֹתֵץ – נוֹתֵץ אֶת שֶׁלּוֹ וּמַנִּיחַ אֶת שֶׁל חֲבֵירוֹ.

The Gemara discusses another similar dilemma. **Rabbi Zeira says:** The Sages **said** in a mishna (*Nega'im* 13:2): In the case of a large **stone that** is situated **in the corner**[H] of a wall shared by two houses, where the stone is visible from inside both houses, if a leprous mark appears in one of the houses on the stone, **when one extracts** the stone **he must extract the entire** stone, even the part of the stone that is part of the neighbor's wall. **But when one destroys**[N] his house, after a reappearance of the leprous mark, **he must destroy** only the part of a stone that is in **his** house, **and leaves** the part of a stone **that belongs to his neighbor.**[N]

בָּעֵי רַבִּי זֵירָא: מַהוּ שֶׁתֵּעָשֶׂה יָד לַחֲבֶרְתָּהּ? תֵּיקוּ.

With regard to this mishna **Rabbi Zeira raises a dilemma: What is** the *halakha* in such a case with regard to the transmission of impurity from the leprous house to the adjacent house? Does half of the stone in the adjacent house **constitute a handle for the other** half[H] and impart impurity such that one who enters the neighbor's house becomes impure just as one who enters the leprous house? Or perhaps there is no *halakha* of a handle with regard to the impurity of a leprous house. The Gemara concludes: The dilemma **shall stand** unresolved.

"מֵתָה הַבְּהֵמָה". מַאי אִיכָּא בֵּין אֵבֶר מִן הַחַי לְאֵבֶר שֶׁל הַנְּבֵלָה?

§ The mishna teaches: If **the animal died,** the hanging flesh needs to be rendered susceptible to impurity via contact with a liquid in order to become impure, as its halakhic status is that of flesh severed from a living animal, which is ritually pure and does not have the status of an unslaughtered carcass. The hanging limb imparts impurity as a limb severed from a living animal but does not impart impurity as the limb of an unslaughtered carcass. The Gemara asks: **What** difference **is there between** the impurity of **a limb from a living** animal **and** the impurity of **a limb from a carcass?**

אִיכָּא בֵּינַיְיהוּ: בָּשָׂר הַפּוֹרֵשׁ מִמֶּנּוּ מֵאֵבֶר בִּבְהֵמָה, דְּאִילּוּ בָּשָׂר הַפּוֹרֵשׁ מֵאֵבֶר מִן הַחַי – לֹא מְטַמֵּא, מֵאֵבֶר מִן הַנְּבֵלָה – מְטַמֵּא.

The Gemara answers: The difference **between them** is with regard to **flesh that separates from the limb of an animal,**[H] **as flesh that separates from a limb** severed **from the living does not impart impurity,** just like flesh that separates directly from a living animal. By contrast, an olive-bulk of flesh that separates **from the limb of a carcass imparts impurity** like the flesh of a carcass.

HALAKHA

A stone that is situated in the corner, etc. – אֶבֶן שֶׁבַּזָּוִית וכו': In the case of a large stone that is situated in the corner of a wall shared by two houses where the stone is visible from inside both houses, if a leprous mark appears in one of the houses on the stone, the owner of that house must extract the entire stone from the house, even the part that is a portion of his neighbor's wall. But in a case when he must destroy the house, he must destroy only the part of the stone that is in his house and leave the part of the stone that belongs to his neighbor (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 15:5).

Does half of the stone in the adjacent house constitute a handle for the other half – שֶׁתֵּעָשֶׂה יָד לַחֲבֶרְתָּהּ: In the case of a large stone that is situated in the corner of a wall shared by two houses where the stone is visible from inside both houses, if a leprous mark appears in one of the houses on the stone such that he must destroy the house, he destroys only the part of the stone that is in his house and leaves the part of the stone which belongs to his neighbor. The Gemara is uncertain if the shared stone constitutes a handle for the other house and imparts impurity such that one who enters the neighbor's house becomes impure just as one who enters the leprous house becomes impure (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 15:5).

Flesh that separates from the limb of an animal – בָּשָׂר הַפּוֹרֵשׁ מִמֶּנּוּ מֵאֵבֶר בִּבְהֵמָה: What difference is there between the impurity of a limb from a living animal and the impurity of a limb from a carcass? The difference between them is with regard to flesh that separates from the limb of an animal. If flesh separates from a limb severed from a living animal, it does not impart impurity. But flesh that separates from the limb of a carcass imparts impurity via contact and carrying in the measure of an olive-bulk (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 2:5).

NOTES

When one extracts…but when one destroys – כְּשֶׁהוּא חוֹלֵץ... וּכְשֶׁהוּא נוֹתֵץ: A leprous mark found inside a house, which is either green or red in appearance, evolves in three stages that are discussed in the Torah (see Leviticus 14:35–48). Upon first seeing a leprous mark, the priest seals off the house and returns to inspect the leprous mark after one week. If the leprous mark remains, the priest seals off the house for another week. If the leprous mark spread after that first week, or remained in place after the first and second weeks, the stones containing the leprosy are removed and the house is sealed off for another week. If after another week the leprous mark has not spread, the priest deems the house pure. But if the leprous mark has returned and spread, the house must be destroyed.

He must destroy only a stone in his house and leaves the part that belongs to his neighbor – נוֹתֵץ אֶת שֶׁלּוֹ וּמַנִּיחַ אֶת שֶׁל חֲבֵירוֹ: The early commentaries explain the difference between the *halakha* with regard to removing the stone, which applies to the neighbor's house, and the *halakha* with regard to destroying the house, which does not apply to the neighbor's house. Rashi states: With regard to removing the leprous stone the verse is concerned with the stone, as it is written: "They take out the stones in which the plague is" (Leviticus 14:40), indicating that one must remove the entire stone, even that part which is in his neighbor's house. But with regard to destroying the house the verse is concerned with the house and not the stone, as it is written: "And he shall break down the house" (Leviticus 14:45), indicating that one must destroy the entire house but not necessarily the entire stone.

Rabbi Shimshon of Saens explains the verses differently: With regard to removing the leprous stone the verse employs the third-person plural form: "They take out the stones in which the plague is," indicating that more than one person is obligated to remove the stone, i.e., it includes the neighbor. But with regard to destroying the house the verse uses the third-person singular form: "And he shall break down the house," indicating that only one person is responsible for destroying his house.

Other commentaries offer a third reason for the difference: At first, one assumes that the cause of the leprosy is a particular stone, and therefore he must remove the entire stone. But after the leprosy spreads, it is clear that the cause is not a particular stone but rather his house. Therefore, he must destroy all parts of his house, but not sections of the stones that are part of his neighbor's house (Ramban's Commentary on the Torah).

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אֵבֶר מִן הַחַי דִּמְטַמֵּא, מַאי קְרָא? אָמַר רַב יְהוּדָה, אָמַר רַב: ״וְכִי יָמוּת מִן הַבְּהֵמָה״.

The Gemara asks: **What is the verse** from which it is derived **that a limb** severed **from the living imparts impurity? Rav Yehuda says** that **Rav says:** With regard to the impurity of a carcass it is written: "**And if some animal** [***min habehema***] of which you may eat **dies,** he who touches its carcass shall be impure until evening" (Leviticus 11:39). The phrase "some animal [*min habehema*]," which also means: From an animal, is interpreted as indicating that a limb torn from an animal is included in the impurity discussed in the verse.

וְהַאי מִיבָּעֵי לֵיהּ לְכִדְאִידָךְ דְּרַב יְהוּדָה, דְּאָמַר רַב, דַּאֲמַר רַב יְהוּדָה, אָמַר רַב, וְאָמְרִי לָהּ בְּמַתְנִיתָא תָּנָא: ״וְכִי יָמוּת מִן הַבְּהֵמָה״ – מִקְצָת בְּהֵמָה מְטַמְּאָה, וּמִקְצָת בְּהֵמָה אֵינָהּ מְטַמְּאָה. וְאֵיזוֹ זוֹ – זוֹ טְרֵפָה שֶׁשְּׁחָטָהּ!

The Gemara asks: How can Rav interpret this verse in such a manner? **This** verse **is necessary for** another *halakha* **that Rav Yehuda** said that **Rav said,** as **Rav Yehuda said** that **Rav said, and some say it was taught in a *baraita*:** In the verse: "**And if some animal** [***min habehema***] of which you may eat **dies,** he who touches its carcass shall be impure until evening," the phrase "some animal [*min habehema*]" indicates that **some** dead **animals impart impurity** as a carcass, **and some** dead **animals do not impart impurity** as a carcass. **And which is that** animal that does not impart impurity as a carcass? **That is an animal with a wound that will cause it to die within twelve months** [***tereifa***] **that one slaughtered.** Even though slaughter does not render the animal permitted to be eaten, it removes the animal from the category of a carcass with regard to impurity.

אִם כֵּן, לִכְתּוֹב רַחֲמָנָא ״מִבְּהֵמָה״, מַאי ״מִן הַבְּהֵמָה״ – שְׁמַע מִינָּהּ תַּרְתֵּי.

The Gemara answers: **If so,** if the verse teaches only one of the two *halakhot,* **let the Merciful One write *mibehema*,** in one Hebrew word. **What** is the verse teaching when it states: "***Min habehema,***" with two Hebrew words? It is teaching that one should **conclude two** conclusions **from it.**

אִי הָכִי, אַפִּילּוּ בָּשָׂר נַמִי! לָא סָלְקָא דַּעְתָּךְ, דְּתַנְיָא: יָכוֹל יְהֵא בָּשָׂר הַפּוֹרֵשׁ מִן הַחַי טָמֵא? תַּלְמוּד לוֹמַר: ״וְכִי יָמוּת מִן הַבְּהֵמָה״, מַה מִּיתָה – שֶׁאֵינָהּ עוֹשָׂה חֲלִיפִין, אַף כֹּל – שֶׁאֵינוֹ עוֹשֶׂה חֲלִיפִין, דִּבְרֵי רַבִּי יוֹסֵי.

The Gemara challenges: **If so,** if this verse teaches that a limb from a living animal imparts impurity, one can **also** derive from it that **even flesh** from a living animal imparts impurity. The Gemara responds: **It should not enter your mind** to derive this, **as it is taught** in a *baraita*: One **might** have thought that **flesh that separates from a living** animal **is impure** like a carcass. Therefore, **the verse states:** "**And if some animal** of which you may eat **dies.**" **Just as death does not generate a replacement,** i.e., life is not regenerated from the dead, **so too any** element of an animal **that** dies and **does not generate a replacement** assumes the impurity of a carcass. An animal does not replace a severed limb but it does replace severed flesh; this is **the statement of Rabbi Yosei.**

רַבִּי עֲקִיבָא אוֹמֵר: ״בְּהֵמָה״, מַה בְּהֵמָה – גִּידִים וַעֲצָמוֹת, אַף כֹּל – גִּידִים וַעֲצָמוֹת. רַבִּי אוֹמֵר: ״בְּהֵמָה״, מַה בְּהֵמָה – בָּשָׂר גִּידִים וַעֲצָמוֹת, אַף כֹּל – בָּשָׂר גִּידִים וַעֲצָמוֹת.

Rabbi Akiva says: One can derive this *halakha* from the word "**animal**" in the verse. **Just as an animal** contains **sinews and bones, so too, any** element of an animal that contains **sinews and bones** imparts impurity. Therefore, a limb, which contains sinews and bones, imparts impurity, but flesh, which does not contain sinews and bones, does not impart impurity. **Rabbi** Yehuda HaNasi **says:** One can derive this *halakha* from the word "**animal**" in the verse. **Just as an animal** contains **flesh, sinews, and bones, so too, any** element of an animal that contains **flesh, sinews, and bones** imparts impurity.

מַאי אִיכָּא בֵּין רַבִּי לְרַבִּי עֲקִיבָא? אִיכָּא בֵּינַיְיהוּ: אַרְכּוּבָה.

The Gemara asks: **What** difference **is there between** the opinions of **Rabbi** Yehuda HaNasi **and Rabbi Akiva?** The Gemara answers: The practical difference **between them is** with regard to the **leg joint,** which contains sinews and bones but no flesh. According to Rabbi Yehuda HaNasi it does not impart impurity when it separates from a living animal, but according to Rabbi Akiva it does.

בֵּין רַבִּי עֲקִיבָא לְרַבִּי יוֹסֵי הַגְּלִילִי מַאי אִיכָּא בֵּינַיְיהוּ? אָמַר רַב פָּפָּא: כּוּלְיָא וְנִיב שְׂפָתַיִם אִיכָּא בֵּינַיְיהוּ.

The Gemara asks: **What** practical difference **is there between** the opinions of **Rabbi Akiva and Rabbi Yosei HaGelili? Rav Pappa said:** The practical difference **between them is** with regard to the **kidney and** the **upper lip** that separate from a living animal. According to Rabbi Yosei these parts of the animal impart impurity because the animal does not generate a replacement for them; according to Rabbi Akiva they do not impart impurity, because they do not contain bones.

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תַּנְיָא נַמִּי גַּבֵּי שְׁרָצִים כְּהַאי גַּוְונָא: יָכוֹל בָּשָׂר הַפּוֹרֵשׁ מִן הַשְּׁרָצִים יְהֵא טָמֵא? תַּלְמוּד לוֹמַר: ״בְּמוֹתָם״, מַה מִּיתָה – שֶׁאֵינָהּ עוֹשָׂה חֲלִיפִין, אַף כֹּל – שֶׁאֵינָהּ עוֹשָׂה חֲלִיפִין, דִּבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי.

The Gemara states a different *halakha* where these three *tanna'im* express the same opinions. **So too, it is taught** in a *baraita* **with regard to creeping animals like this case:** One **might** have thought that **flesh that separates from a creeping animal** during its lifetime **should be impure** like a creeping animal carcass. Therefore, **the verse states** with regard to creeping animal carcasses: "And upon whatever any of them falls **when they are dead** shall be impure" (Leviticus 11:32). The word "dead" teaches that **just as death does not generate a replacement, so too any** element of a creeping animal **that** dies and **does not generate a replacement** imparts the impurity of a creeping animal carcass, excluding flesh; this is **the statement of Rabbi Yosei HaGelili.**

רַבִּי עֲקִיבָא אוֹמֵר: ״שֶׁרֶץ״, מַה שֶּׁרֶץ – גִּידִים וַעֲצָמוֹת, אַף כֹּל – גִּידִים וַעֲצָמוֹת. רַבִּי אוֹמֵר: ״שֶׁרֶץ״, מַה שֶּׁרֶץ – בָּשָׂר גִּידִים וַעֲצָמוֹת, אַף כֹּל – בָּשָׂר גִּידִים וַעֲצָמוֹת.

Rabbi Akiva says: One can derive this *halakha* from the term "**creeping animal.**" **Just as a creeping animal** contains **sinews and bones, so too any** element of a creeping animal that contains **sinews and bones** imparts impurity. **Rabbi** Yehuda HaNasi **says:** One can derive this *halakha* from the term "**creeping animal.**" **Just as a creeping animal** contains **flesh, sinews, and bones, so too, any** element of a creeping animal that contains **flesh, sinews, and bones** imparts impurity.

בֵּין רַבִּי לְרַבִּי עֲקִיבָא – אִיכָּא בֵּינַיְיהוּ אַרְכּוּבָה. בֵּין רַבִּי עֲקִיבָא לְרַבִּי יוֹסֵי הַגְּלִילִי מַאי אִיכָּא בֵּינַיְיהוּ? אֲמַר רַב פַּפָּא: כּוּלְיָא וְנִיב שְׂפָתַיִם אִיכָּא בֵּינַיְיהוּ.

The Gemara comments: The practical difference **between** the opinions of **Rabbi** Yehuda HaNasi **and Rabbi Akiva is** with regard to **the leg joint,** which contains sinews and bones but no flesh. **What** difference **is there between** the opinions of **Rabbi Akiva and Rabbi Yosei HaGelili? Rav Pappa said:** The practical difference **between them is** with regard to **the kidney and the upper lip,** which contain no bones and which are not regenerated by the creeping animal.

וְצָרִיכָא, דְּאִי אַשְׁמַעִינַן בְּהֵמָה – הַיְינוּ טַעֲמָא דְּלָא מְטַמֵּא מֵחַיִּים, מִשּׁוּם דְּלָא מְטַמֵּא בְּכַעֲדָשָׁה. אֲבָל שֶׁרֶץ דְּמְטַמֵּא בְּכַעֲדָשָׁה, אֵימָא לְטַמֵּא מֵחַיִּים!

And it is necessary to teach this *halakha* both with regard to flesh that separates from a living animal and with regard to flesh that separates from a creeping animal. **As if** the *baraita* **had taught us** this *halakha* only with regard to **an animal,** one might have said that **this is the reason that** flesh that separates **from a living** animal **does not impart impurity:** It is **because** an animal carcass **does not impart impurity in** the measure of **a lentil-bulk,** but rather only in the measure of an olive-bulk. **But** with regard to **a creeping animal, which imparts impurity** even **in** the measure of **a lentil-bulk, say** that flesh that separates **from** it while it is **living should impart impurity.**

וְאִי אַשְׁמוּעִינַן שֶׁרֶץ – מִשּׁוּם דְּלָא מְטַמֵּא בְּמַשָּׂא לֹא מְטַמֵּא מֵחַיִּים, אֲבָל בְּהֵמָה דְּמְטַמֵּא בְּמַשָּׂא, אֵימָא תְּטַמֵּא מֵחַיִּים, צְרִיכָא.

And if the *baraita* **had taught us** this *halakha* only with regard to **a creeping animal,** one might have said that flesh that separates from a creeping animal does not impart impurity **because** a creeping animal **does not impart impurity via carrying,** and therefore flesh that separates from it **while it is living does not impart impurity. But** with regard to **an animal, which imparts impurity via carrying, say** that flesh that separates from it **while it is living should impart impurity.** Therefore, **it is necessary** to teach this *halakha* in both cases.

תָּנוּ רַבָּנָן: הַחוֹתֵךְ כַּזַּיִת בָּשָׂר מֵאֵבֶר מִן הַחַי, חָתַךְ וְאַחַר כָּךְ חִישֵּׁב עָלָיו – טָהוֹר.

§ The Gemara continues to discuss flesh that separates from a living animal. **The Sages taught** in a *baraita*: In the case of **one who severs an olive-bulk of flesh from a limb** severed **from the living,** the flesh does not impart the impurity of a carcass but it does impart impurity as food if one designated it as food before it came into contact with a source of impurity. Therefore, if **one severed** the flesh from the limb **and afterward intended it** to be used for the consumption of a gentile, the flesh remains **pure** because at the time he designated the flesh as food it was not in contact with a source of impurity.

חִישֵּׁב עָלָיו וְאַחַר כָּךְ חָתַךְ – טָמֵא.

But if **he intended it** to be used for the consumption of a gentile **and afterward severed** the flesh, the flesh is **impure,** because it came into contact with a source of impurity, i.e., the limb, after it was designated as food.

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רַבִּי אַסִי לָא עַל לְבֵי מִדְרְשָׁא, אַשְׁכְּחֵיהּ לְרַבִּי זֵירָא. אֲמַר לֵיהּ: מַאי אֲמוּר בְּבֵי מִדְרְשָׁא? אֲמַר לֵיהּ: מַאי קַשְׁיָא לָךְ? אֲמַר לֵיהּ: דְּקָתָנֵי "חִישֵּׁב וְאַחַר כָּךְ חֲתָכוֹ – טָמֵא".

One day **Rabbi Asi did not go to the study hall. He found Rabbi Zeira,** and **said to him: What was said** today **in the study hall?** Rabbi Zeira **said to him: What** matter is **difficult for you** that you think may have been discussed in the study hall? Rabbi Asi **said to him:** I find difficult that **which is taught** in a *baraita*: If **one intended** flesh from a limb that was severed from a living animal to be used for the consumption of a gentile, **and afterward he severed** the flesh from the limb, the flesh is **impure.**

Perek **IX**
Daf **129** Amud **a**

NOTES

And impurity in a concealed part does not render an item impure – וְטוּמְאַת בֵּית הַסְּתָרִים לֹא מְטַמֵּא: The *halakha* is in accordance with the opinion that impurity in a concealed part of the body does not impart impurity to people, food, vessels, and garments. *Tosafot* explain that with regard to all types of impurity, the term touching is stated, and this refers to that which is exposed and fit for touching, but not to that which is concealed (*Nidda* 42a; Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 1:3, 8).

It is in accordance with the opinion of Rabbi Meir – רַבִּי מֵאִיר הִיא: Rashi explains that this is referring to the opinion of Rabbi Meir in the mishna earlier (72a) with regard to an animal fetus that extended its foreleg from its mother's womb during birth. If one slaughtered the mother and then severed the foreleg, Rabbi Meir holds that all the flesh of the fetus is rendered impure due to its previous connection to the foreleg, which imparted the impurity of an animal carcass.

PERSONALITIES

Rabbi Abba bar Memel – רַבִּי אַבָּא בַּר מֶמֶל: Rabbi Abba bar Memel was part of the second and third generations of *amora'im* living in Eretz Yisrael. Some say that he was called bar Memel not because his father's name was Memel, but because he lived in an area in the western Galilee called Memela. Rabbi Abba bar Memel was a colleague of the students of Rabbi Yoḥanan such as Rabbi Elazar and Rabbi Ami, but he himself was not a student of Rabbi Yoḥanan. It seems that he was a student of Rabbi Yoḥanan's teacher, Rabbi Oshaya the Elder, who lived in Caesarea. The statements of Rabbi Abba bar Memel are mostly taught by the *amora'im* who lived in Eretz Yisrael in the generation after him. Very little is known about his private life and family. He had at least one son, Rabbi Aḥa.

טוּמְאַת בֵּית הַסְּתָרִים הִיא, וְטוּמְאַת בֵּית הַסְּתָרִים לֹא מְטַמֵּא!

Why should the flesh be impure? Since the source of its impurity is the limb, and the location of the contact between the limb and the flesh is hidden and not visible, **it** constitutes contact with a source of **impurity** in **a concealed part** of the body, **and** the principle is that contact with a source of **impurity** in **a concealed part** of the body **does not render** an item **impure.**[N]

אֲמַר לֵיהּ: אַף לְדִידִי קַשְׁיָא לִי, וּשְׁאֵילְתֵּיהּ לְרַבִּי אַבָּא בַּר מֶמֶל וַאֲמַר לִי: הָא מַנִּי – רַבִּי מֵאִיר הִיא, דַּאֲמַר טוּמְאַת בֵּית הַסְּתָרִים מְטַמֵּא.

Rabbi Zeira **said to** Rabbi Asi: This matter is **difficult for me as well, and I asked Rabbi Abba bar Memel,**[P] **and he said to me:** In accordance with **whose** opinion **is this** *baraita*? **It is** in accordance with the opinion of **Rabbi Meir,**[N] **who said** that contact with a source of **impurity** in **a concealed part** of the body **renders** an item **impure.**

אֲמַר לֵיהּ: וְלָאו זִימְנִין סַגִּיאִין אֲמַרָה קַמַּאי, וַאֲמַרִי לֵיהּ: שָׁנֵי לֵיהּ לְרַבִּי מֵאִיר בֵּין טוּמְאָה דִּבְעָיָא הֶכְשֵׁר וּבֵין טוּמְאָה דְּלָא בָּעְיָא הֶכְשֵׁר!

Rabbi Asi **said to** Rabbi Zeira: **But hasn't** Rabbi Abba bar Memel **said** this answer **in my presence many times? And I said to him** that this answer does not explain the ruling of the *baraita*. The reason is that with regard to a concealed part of the body imparting impurity, **Rabbi Meir differentiates between** a type of **impurity that requires** an item to be **rendered susceptible** in order to take effect **and** a type of **impurity that does not require** an item to be **rendered susceptible.** The case in the *baraita* is one where the flesh was not yet rendered susceptible to impurity when it was severed from the limb, and Rabbi Meir concedes that in such a case impurity should not apply to a concealed part of the body.

אֲמַר רָבָא: וּמַאי קוּשְׁיָא? דִּלְמָא בְּשֶׁהוּכְשַׁר?

Rava was surprised by Rabbi Asi's statement and **said: But what is the difficulty? Perhaps** the *baraita* is discussing a case **where** the flesh **was rendered** susceptible to impurity before it was severed from the limb.

אֲמַר לֵיהּ רַבָּה בַּר רַב חָנָן, לְרָבָא: לָמָּה לִי הֶכְשֵׁר? הֲרֵי מְטַמֵּא טוּמְאָה חֲמוּרָה אַגַּב אָבִיו!

Rabba bar Rav Ḥanan said to Rava: Why do I need the flesh severed from the limb to be **rendered susceptible** to impurity? Flesh that is upon a limb from a living animal **imparts a severe** form of **impurity due to its original** limb, as it is considered part of the limb that was severed from a living animal, which imparts the impurity of a carcass, a severe form of impurity that is transmitted even to people and vessels. Therefore, it is not necessary to render this flesh susceptible to impurity after its separation from the limb, because the *halakha* is that any food item that will eventually impart a severe form of impurity does not require contact with liquid in order to be rendered susceptible to imparting a lesser form of impurity.

אֲמַר לֵיהּ: כְּשֶׁשִּׁימֵּשׁ, מַעֲשֵׂה עֵץ שִׁימֵּשׁ.

Rava **said to** Rabba bar Rav Ḥanan: This principle applies only when the more severe and more lenient forms of impurity are both impurities of food. But in the case of the *baraita*, the flesh needs to be rendered susceptible to impurity after it is severed from the limb, because **when it** initially **served** as part of the limb, **it performed the role of wood,** i.e., it had the status of flesh of the limb, which is necessary to give the limb the status of a limb severed from the living (see 128b), but it was not impure due to its status as food.

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אֲמַר אַבַּיֵי, הֲרֵי אָמְרוּ: כּוֹפֶת שְׂאוֹר שֶׁיִּחֲדָהּ לִישִׁיבָה – בָּטְלָה.

§Rava said that if a food item serves a function other than food, the principle that if it will eventually contract a severe form of impurity it does not require contact with liquid in order to be rendered susceptible to a lesser form of impurity does not apply. The Gemara now relates a number of matters that are explained with the same reasoning. **Abaye said:** The Sages **said** in a *baraita*: **A mass of** hardened **leaven that one designated for** the purpose of **sitting** upon it, not for consumption, **is nullified.**[N] The item is no longer considered food and one may possess it in his house during Passover. But the item is now considered a chair, and it is subject to ritual impurity imparted by treading. It therefore is rendered impure if a *zav* sits on it.

טוּמְאָתָהּ לָאו דְּאוֹרַיְיתָא – דְּאִי סָלְקָא דַּעְתָּךְ דְּאוֹרַיְיתָא, מָצִינוּ לָאוֹכָלִין שֶׁמִּטַּמְּאִין טוּמְאָה חֲמוּרָה. כְּשֶׁשִּׁימֵּשׁ, מַעֲשֵׂה עֵץ שִׁימֵּשׁ.

Abaye explained: **Its impurity** in such a case is clearly **not by Torah law** but by rabbinic law; **as if it enters your mind** that it is impure **by Torah law,** then **we have found** that **food can become susceptible to a severe** type of **impurity.** This cannot be true, because the category of food that requires contact with liquid to be susceptible to impurity is food that will not eventually impart a more severe type of impurity. Based on Rava's reasoning, the Gemara responds: The seat imparts impurity by Torah law. **When** the leaven **served** as a chair it was not considered food, as **it performed the role of wood.**

אֲמַר אַבַּיֵי, הֲרֵי אָמְרוּ: תִּקְרוֹבֶת עֲבוֹדָה זָרָה שֶׁל אוֹכָלִין – מְטַמְּאִין בְּאוֹהֶל. טוּמְאָתָהּ לָאו דְּאוֹרַיְיתָא – דְּאִי סָלְקָא דַּעְתָּךְ דְּאוֹרַיְיתָא, מָצִינוּ לָאוֹכָלִין שֶׁמִּטַּמְּאִין טוּמְאָה חֲמוּרָה! כְּשֶׁשִּׁימֵּשׁ, מַעֲשֵׂה עֵץ שִׁימֵּשׁ.

Similarly, **Abaye said:** The Sages **said** in a *baraita*: **An idolatrous offering of food imparts impurity in a tent.** Abaye explained: **Its impurity is not by Torah law** but by rabbinic law; **as if it enters your mind** that it is impure **by Torah law,** then **we have found** that **food can become susceptible to a severe** type of **impurity.** The Gemara responds: The idolatrous offering imparts impurity by Torah law. **When** the food **served** as an idolatrous offering it was not considered food, as **it performed the role of wood.**

אֲמַר אַבַּיֵי, הֲרֵי אָמְרוּ: חִבּוּרֵי אוֹכָלִין כִּכְלֵים דָּמוּ. טוּמְאָתָן לָאו דְּאוֹרַיְיתָא – דְּאִי סָלְקָא דַּעְתָּךְ דְּאוֹרַיְיתָא, מָצִינוּ לָאוֹכָל שֶׁמִּטַּמֵּא טוּמְאָה חֲמוּרָה! כְּשֶׁשִּׁימֵּשׁ, מַעֲשֵׂה עֵץ שִׁימֵּשׁ.

Similarly, **Abaye said:** The Sages **said** in a *baraita*: **Foods that are connected** to vessels are considered **like the vessels.** For example, if dough is attached to a kneading bowl and the owner wishes for the dough to remain there, the dough is considered part of the bowl. Therefore, if an olive-bulk of a corpse touches that dough, it becomes impure with the more severe impurity of a vessel, which imparts impurity to people and other vessels. Abaye explained: **Their impurity is not by Torah law** but by rabbinic law; **as if it enters your mind** that it is impure **by Torah law,** then **we have found** that **food can become susceptible to a severe** type of **impurity.** The Gemara responds: Food connected to vessels imparts impurity by Torah law. **When** the food **served** as a connection to the vessel it was not considered food, as **it performed the role of wood.**

אֲמַר לֵיהּ רַב פַּפָּא לְרָבָא, הָא דְּתַנְיָא: חֵלֶב נְבֵלָה בַּכְּפָרִים צָרִיךְ מַחֲשָׁבָה וְהֶכְשֵׁר. טוּמְאָתוֹ אַגַּב כּוּלְיָא לָאו דְּאוֹרַיְיתָא – דְּאִי סָלְקָא דַּעְתָּךְ דְּאוֹרַיְיתָא, מָצִינוּ לָאוֹכָל שֶׁמִּטַּמֵּא טוּמְאָה חֲמוּרָה!

Similarly, **Rav Pappa said to Rava** in explanation of **that which is taught** in a mishna (*Okatzin* 3:3): **Fat** forbidden in consumption for a Jew from **an animal carcass in the villages, requires designation** as food in order for it to become susceptible to contract impurity as food, **and** it must be **rendered susceptible** via contact with liquid. Rav Pappa explained: Although the forbidden fat that covers the kidney of a carcass imparts the impurity of a carcass, **its impurity due to** the impurity of the **kidney is not by Torah law** but by rabbinic law. **As if it enters your mind** that it is impure **by Torah law,** then **we have found** that **food can impart a severe** type of **impurity** and subsequently become susceptible to impurity as food.

NOTES

A mass of hardened leaven that one designated for sitting is nullified – כּוֹפֶת שְׂאוֹר שֶׁיִּחֲדָהּ לִישִׁיבָה בָּטְלָה: Even if the leaven is still edible, it is now considered a chair and no longer considered food. Therefore, one may possess it in his house during Passover (Rashi; *Tosafot* on *Pesaḥim* 45b). Early commentaries point out that it is taught in a mishna (*Kelim* 25:9) that all vessels are rendered ritually impure by means of intent to be used as vessels, but can become pure only by means of a change resulting from an action. Therefore, once a ritually impure vessel undergoes a physical change, it is no longer ritually impure. Based on this, these early commentaries rule that in order to change the status of the leaven from that of food to a chair, it is not sufficient for one to merely reconsider the item's designation. Rather, one must change its status by means of a change resulting from an action (*Tosafot* on *Bava Batra* 15b; Rambam *Sefer Tahara*, *Hilkhot Kelim* 25:12 and *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 2:15).

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כְּשֶׁשִּׁימֵּשׁ, מַעֲשֶׂה עֵץ שִׁימֵּשׁ.

The Gemara responds: The fat of a carcass imparts impurity by Torah law. **When** the fat **served** the kidney as protection and imparted the impurity of a carcass it did not serve as food, as **it performed the role of wood.**

אָמַר רַב מַתָּנָה, הֲרֵי אָמְרוּ: בַּיִת שֶׁסִּפְּכוֹ בַּזְּרָעִים – טְהוֹרִים. טוּמְאָתוֹ לָאו דְּאוֹרַיְיתָא – דְּאִי סָלְקָא דַּעְתָּךְ דְּאוֹרַיְיתָא, מָצִינוּ לַזְּרָעִים שֶׁמְּטַמְּאִים טוּמְאָה חֲמוּרָה! כְּשֶׁשִּׁימֵּשׁ, מַעֲשֶׂה עֵץ שִׁימֵּשׁ.

Similarly, **Rav Mattana said:** The Sages **said** in a *baraita*: With regard to **a house that one roofed with seeds,** i.e., vegetation, if those seeds were impure, they are rendered **pure** when they are used as the roof of the house. The seeds are no longer considered food but rather part of the house. Therefore, if the house becomes leprous, the entire house becomes impure. Rav Mattana explained: **Its impurity is not by Torah law** but by rabbinic law; **as if it enters your mind** that it is impure **by Torah law,** then **we have found** that **seeds can become susceptible to a severe** type of **impurity.** The Gemara responds: The seeds used for the roof of the house impart impurity by Torah law. **When** the seeds **served** as the roof of the house they were not considered food, but rather **performed the role of wood.**

״רַבִּי שִׁמְעוֹן מְטַהֵר״.

§ The mishna teaches with regard to a hanging limb or flesh of a living animal that if the animal died, the hanging flesh needs to be rendered susceptible to impurity, as its halakhic status is that of flesh severed from a living animal, which is ritually pure. Rabbi Meir then states that the hanging limb imparts impurity as a limb severed from a living animal, but not as an unslaughtered carcass. And **Rabbi Shimon deems** the limb **pure.**

מַה נַּפְשָׁךְ, אִי מִיתָּה עוֹשָׂה נִיפּוּל – לִיטַּמֵּא מִשּׁוּם אֵבֶר מִן הַחַי! אִי אֵין מִיתָּה עוֹשָׂה נִיפּוּל – לִיטַּמֵּא מִשּׁוּם אֵבֶר מִן הַנְּבֵלָה!

The Gemara asks: **Whichever** way **you** look at it, the ruling of Rabbi Shimon is difficult. **If death renders** a hanging limb one that has **fallen off,** i.e., if when the animal died of its own accord the hanging limb is considered to have fallen off its body beforehand, the limb **should become impure as a limb from a living** animal. **If death does not render** a hanging limb one that has **fallen off,** the limb **should become impure as a limb from a carcass.** How is it possible for Rabbi Shimon to deem the limb pure?

רַבִּי שִׁמְעוֹן אַרִישָׁא קָאֵי, דְּאָבַר וְהַבָּשָׂר הַמְדוּלְדָּלִין בַּבְּהֵמָה – מְטַמֵּא טוּמְאַת אוֹכָלִין בִּמְקוֹמָן וּצְרִיכִין הֶכְשֵׁר. וְרַבִּי שִׁמְעוֹן מְטַהֵר.

The Gemara answers: Rabbi Shimon is not responding to Rabbi Meir's statement in the final clause of the mishna. Rather, **Rabbi Shimon is referring to the first clause** of the mishna, which teaches: **The limb and the flesh** of an animal that were partially severed and remain **hanging from the animal impart impurity as food** although they remain **in their place** attached to the animal. **But** in order for them to become impure, **they need** to be **rendered susceptible** through contact with a liquid. **And Rabbi Shimon deems** them **not susceptible to impurity** at all.

אָמַר רַבִּי אַסִי, אָמַר רַבִּי יוֹחָנָן: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן – אָמַר קְרָא ״מִכָּל הָאֹכֶל אֲשֶׁר יֵאָכֵל״, אוֹכֶל שֶׁאַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – קָרוּי אוֹכֶל, אוֹכֶל שֶׁאִי אַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – אֵין קָרוּי אוֹכֶל.

Rabbi Asi said that **Rabbi Yoḥanan said: What is the reason** for the opinion **of Rabbi Shimon? The verse states** with regard to impurity as food: **"From all food which may be eaten,** that on which water comes shall be impure" (Leviticus 11:34). The repetitive phrase "food which may be eaten" indicates that only **food that you are able to feed to others,** including gentiles, **is called food** with regard to being susceptible to impurity as food, but **food that you are not able to feed to others,** such as the limb and flesh from a living animal, which are forbidden even to gentiles, **is not called food.**

Perek **IX**
Daf **129** Amud **b**

אָמַר לֵיהּ רַבִּי זֵירָא לְרַבִּי אַסִי: דִּילְמָא טַעְמָא דְּרַבִּי שִׁמְעוֹן הָתָם – הוֹאִיל וּמְעוֹרֶה מְעוֹרֶה?

Rabbi Zeira questioned the explanation of Rabbi Yoḥanan and **said to Rabbi Asi:** If Rabbi Shimon is discussing the first clause in the mishna, claiming that a hanging limb or flesh is pure during the lifetime of the animal, the reason for his statement is not necessarily that food that is forbidden to all people is not considered food. **Perhaps the reason** for the opinion **of Rabbi Shimon there** is that **since** the flesh or limb is still **attached** to the animal, it is considered **attached.**

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דְּתַנְיָא: יְחוּר שֶׁל תְּאֵנָה שֶׁנִּפְשַׁח, וּמְעוּרָה בַּקְּלִיפָּה – רַבִּי יְהוּדָה מְטַהֵר, וַחֲכָמִים אוֹמְרִים: אִם יָכוֹל לִחְיוֹת – טָהוֹר, וְאִם לָאו – טָמֵא. וְאָמְרִינַן לָךְ: מַאי טַעְמָא דְּרַבִּי יְהוּדָה? וְאָמְרַתְּ לָן: הוֹאִיל וּמְעוּרָה מְעוּרָה!

As it is taught in a mishna (*Okatzin* 3:8): With regard to **a branch of a fig** tree **that was detached** from the tree **and** remains **attached** only **to the bark** of the tree, **Rabbi Yehuda deems** the figs on the branch **not susceptible to impurity,** as they are considered attached to the tree. **And the Rabbis say: If** it is possible to reattach the branch to the tree and the branch **can** continue to **live** and produce fruit, then it is considered attached to the tree, and the fruit **is not susceptible to impurity. But if not,** the fruit is **susceptible to impurity. And we said to you,** Rabbi Asi: **What is the reason** for the opinion **of Rabbi Yehuda? And you said to us: Since** the branch is still **attached** to the bark of the tree, it is considered **attached.** Therefore, the same logic applies to the statement of Rabbi Shimon.

אָמַר לֵיהּ: אַמְצְעִיתָא, ״נִשְׁחֲטָה הַבְּהֵמָה – הוּכְשְׁרָה בְּדָמֶיהָ, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי שִׁמְעוֹן אוֹמֵר: לֹא הוּכְשְׁרוּ״.

Rabbi Asi **said to** Rabbi Zeira: Rabbi Yoḥanan is explaining the reasoning for Rabbi Shimon's opinion in **the middle clause** of the mishna, which teaches: If **the animal was slaughtered,** the limb and the flesh **were rendered** susceptible to impurity **with the blood of** the slaughtered animal; this is **the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered** susceptible[N] with the blood of the slaughtered animal.

(אָמַר רַבִּי אַסִי) אָמַר רַבִּי יוֹחָנָן: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן – אֲמַר קְרָא ״מִכָּל הָאֹכֶל אֲשֶׁר יֵאָכֵל״, אוֹכֶל שֶׁאַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – קְרוּי אוֹכֶל, אוֹכֶל שֶׁאֵין אַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – אֵין קְרוּי אוֹכֶל.

Rabbi Asi said that **Rabbi Yoḥanan said: What is the reason** for the opinion **of Rabbi Shimon?** The reason is that **the verse states** with regard to impurity as food: **"From all food which may be eaten,** that on which water comes shall be impure" (Leviticus 11:34). The phrase "food which may be eaten" indicates that only **food that you can feed to others,** including gentiles, **is called food** in this regard, but **food that you cannot feed to others,** such as the limb and flesh from a living animal, **is not called food.**

וְדִילְמָא טַעְמָא דְּרַבִּי שִׁמְעוֹן בְּהַהִיא

Rabbi Zeira questioned this explanation of Rabbi Yoḥanan as well, and said to Rabbi Asi: If it is with regard to Rabbi Shimon's opinion in the middle clause of the mishna, **perhaps the reason** for the opinion **of Rabbi Shimon in that** clause is not that food that is forbidden to all is not called food.

אִי כִּדְרָבָא אִי כִּדְרַבִּי יוֹחָנָן?

Rather, it is **either in accordance with** the explanation **of Rava or in accordance with** the explanation **of Rabbi Yoḥanan** cited earlier (127b–128a). According to both explanations of Rabbi Shimon's opinion, the mishna is discussing a case where only the body of the animal, but not the partially severed limb, came into contact with the blood of slaughter. According to Rava, the reason for Rabbi Shimon's opinion is that the body of the animal serves the partially severed limb as a handle, and he holds that a handle of a food item transmits impurity to the attached food, but a handle that comes into contact with liquid does not render the attached food susceptible to impurity. And according to Rabbi Yoḥanan, Rabbi Shimon holds that if one grasps a small part of a large item such that the large part does not ascend with the small part, the small part is not considered part of the item with regard to impurity (see 127b).

NOTES

Rabbi Shimon says: They were not rendered susceptible – רַבִּי שִׁמְעוֹן אוֹמֵר לֹא הוּכְשְׁרוּ: Rabbi Yoḥanan explains the reason for this statement of Rabbi Shimon as being that only food that you are permitted to feed to others is called food with regard to being susceptible to impurity as food, but food that you are not permitted to feed to others is not called food. Rashi explains that a partially severed limb is classified as a food you are not permitted to feed to others because it is not permitted to be eaten even by gentiles after the slaughter of the animal. According to the Rambam, this is logical, as the limb is prohibited by Torah law as a limb from a living animal (*Hilkhot Ma'akhalot Assurot* 5:6). But the later commentaries note that some opinions consider this limb to be prohibited by rabbinic law, and some consider it to be permitted to gentiles (see 74b). According to those opinions, since the limb is a food that you are permitted to feed to others at least by Torah law, it is difficult to apply the explanation of Rabbi Yoḥanan here. The later commentaries answer that Rabbi Asi holds like the opinion on 73a that slaughter renders a hanging limb fallen off. Therefore, the hanging limb is considered to have fallen off the body before slaughter, and the limb is forbidden to be consumed even by a gentile, like any limb from a living animal (*Shakh* on *Shulḥan Arukh*, *Yoreh De'a* 55; *Meromei Sadeh*; *Ḥazon Ish*; *Tiferet Ya'akov*; *Yosef Da'at*).

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אֶלָּא, לְעוֹלָם אַסֵּיפָא, וְלָאו אַאֵבֶר אֶלָּא אַבָּשָׂר: ״מֻתָּה הַבְּהֵמָה – הַבָּשָׂר צָרִיךְ הָכְשֵׁר, וְרַבִּי שִׁמְעוֹן מְטַהֵר״.

Rather, actually, one must explain the statement of Rabbi Shimon as it was explained originally, that he is referring **to the latter clause** of the mishna. **And** he is **not** referring **to** the case of a partially severed **limb, but rather to** the case of partially severed **flesh.** Therefore, the latter clause of the mishna teaches: If **the animal died** without slaughter, Rabbi Meir holds that **the** hanging **flesh needs** to be **rendered susceptible** to impurity in order to impart impurity as food, **and Rabbi Shimon deems** the limb **not susceptible to impurity** even if it came into contact with liquid.

אָמַר רַבִּי יוֹחָנָן: מַאי טַעְמָא דְּרַבִּי שִׁמְעוֹן – אָמַר קְרָא ״מִכָּל הָאֹכֶל אֲשֶׁר יֵאָכֵל״, אוֹכֶל שֶׁאַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – קָרוּי אוֹכֶל, אוֹכֶל שֶׁאִי אַתָּה יָכוֹל לְהַאֲכִילוֹ לַאֲחֵרִים – אֵין קָרוּי אוֹכֶל.

Rabbi Yoḥanan said: What is the reason for the opinion **of Rabbi Shimon?** The reason is that **the verse states** with regard to impurity as food: "**From all food which may be eaten,** that on which water comes shall be impure" (Leviticus 11:34). The phrase "food which may be eaten" indicates that only **food that you can feed to others,** including gentiles, **is called food** with regard to being susceptible to impurity as food, but **food that you cannot feed to others,** such as flesh from a living animal, which is forbidden even to gentiles, **is not called food.**

מתני׳ הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בָּאָדָם – טְהוֹרִים, מֵת הָאָדָם – הַבָּשָׂר טָהוֹר. הָאֵבֶר מְטַמֵּא מִשּׁוּם אֵבֶר מִן הַחַי, וְאֵינוֹ מְטַמֵּא מִשּׁוּם אֵבֶר מִן הַמֵּת, דִּבְרֵי רַבִּי מֵאִיר, וְרַבִּי שִׁמְעוֹן מְטַהֵר.

MISHNA **The limb and the flesh** of a person that were partially severed and remain **hanging from a person**[H] **are ritually pure,**[N] although there is no potential for healing. If **the person died, the** hanging **flesh is ritually pure,** as its halakhic status is that of flesh severed from a living person. **The** hanging **limb imparts impurity as a limb** severed **from the living and does not impart impurity as a limb from a corpse;** this is **the statement of Rabbi Meir. And Rabbi Shimon deems** the flesh and the limb **ritually pure.**

גמ׳ וְרַבִּי שִׁמְעוֹן מַה נַּפְשָׁךְ, אִי מִיתָּה עוֹשָׂה נִיפּוּל – לִיטַּמֵּא מִשּׁוּם אֵבֶר מִן הַחַי! וְאִי אֵין מִיתָּה עוֹשָׂה נִיפּוּל – לִיטַּמֵּא מִשּׁוּם אֵבֶר מִן הַמֵּת!

GEMARA The Gemara challenges the opinion of Rabbi Shimon in the latter clause of the mishna: **Whichever** way **you** look at it, the ruling of **Rabbi Shimon** is difficult. **If death renders** a hanging limb **fallen off,** i.e., if after the person dies the hanging limb is considered to have fallen off his body beforehand, the limb **should impart impurity as a limb** severed **from the living. And if death does not render** a hanging limb **fallen off,** and the limb is considered attached to the body at the time of death, then the limb **should impart impurity as a limb from a corpse.**

רַבִּי שִׁמְעוֹן בְּעָלְמָא קָאֵי, דְּקָאָמַר תַּנָּא קַמָּא ״הָאֵבֶר מְטַמֵּא מִשּׁוּם אֵבֶר מִן הַחַי וְאֵין מְטַמֵּא מִשּׁוּם אֵבֶר מִן הַמֵּת״, אַלְמָא: אֵבֶר הַמֵּת בְּעָלְמָא – מְטַמֵּא. וַאֲמַר לֵיהּ רַבִּי שִׁמְעוֹן: אֵבֶר הַמֵּת בְּעָלְמָא לֹא מְטַמֵּא.

The Gemara explains: This statement of Rabbi Shimon is not referring directly to the case in the mishna. Rather, the statement of **Rabbi Shimon is referring** to the matter of a limb that separates from a corpse **in general.** Rabbi Shimon inferred from **that which the first *tanna*,** Rabbi Meir, **said: The** hanging **limb imparts impurity as a limb** severed **from the living and does not impart impurity as a limb from a corpse,** that **evidently, in general the limb of a corpse imparts impurity. And** in reference to this **Rabbi Shimon said to him: In general, the limb of a corpse does not impart impurity,** if it does not contain an olive-bulk of flesh.

דְּתַנְיָא, אָמַר רַבִּי אֱלִיעֶזֶר: שָׁמַעְתִּי שֶׁאֵבֶר מִן הַחַי מְטַמֵּא. אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ: מִן הַחַי וְלֹא מִן הַמֵּת? וְקַל וָחוֹמֶר, וּמַה חַי שֶׁהוּא טָהוֹר – אֵבֶר הַפּוֹרֵשׁ מִמֶּנּוּ טָמֵא, מֵת שֶׁהוּא טָמֵא – לֹא כָּל שֶׁכֵּן?

Another pair of *tanna'im* had the same dispute as Rabbi Meir and Rabbi Shimon, **as it is taught** in a *baraita*: **Rabbi Eliezer says: I heard that a limb** severed **from the living imparts impurity. Rabbi Yehoshua said to him:** May one infer from this statement that a limb **from a living** person imparts impurity **but** a limb **from a corpse does not?** But it can be inferred ***a fortiori*** that a limb from a corpse imparts impurity: **If** with regard to **a living** person, **who is pure** and does not impart impurity, nevertheless **a limb that separates from him is impure,** then with regard to **a corpse, which is impure, all the more so** is it **not** clear that the limb that separates from it is impure?

HALAKHA

The limb and the flesh that remain hanging from a person – הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בָּאָדָם: With regard to the limb and the flesh of a person, if they were partially severed and remain hanging from the person, they are ritually pure, even if there is no potential for healing. If the person died, the hanging flesh is ritually pure. By contrast, the hanging limb imparts impurity due to its status as a limb severed from a living person, but does not impart impurity due to the status of the limb of a corpse. What difference is there between the impurity of a limb from a living person and the impurity of a limb from a corpse? Flesh and bone that separate from the severed limb of a living person are pure, but if they separate from the limb from a corpse they are impure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:6).

NOTES

The limb and the flesh hanging from a person are ritually pure – הָאֵבֶר וְהַבָּשָׂר הַמְדוּלְדָּלִין בָּאָדָם טְהוֹרִים: A living person is not a source of impurity, as it is written that impurity applies: "When a man dies" (Numbers 19:14), indicating that only dead people impart impurity (Rashi; *Shita Mekubbetzet*; Meiri; Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:6). The later commentaries explain that the mishna does not need to teach that a hanging limb that will heal and reattach remains pure because that is obvious. Therefore, the mishna must be teaching the novelty that even a hanging limb that will not heal remains pure because it is attached to the person (*Kesef Mishne*).

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בְּתוֹב בִּמְגִילַת תַּעֲנִית, פִּסְחָא וְעִיָּרָא – דְּלָא לְמִסְפַּד, הָא רַבָּה לְמִסְפַּד? אֶלָּא – כָּל דְּכֵן. הָכָא נַמִּי – כָּל דְּכֵן! אֲמַר לֵיהּ: כְּךָ שָׁמַעְתִּי.

Furthermore, Rabbi Yehoshua adds that **it is written in *Megillat Ta'anit*:**[B] On **Minor Passover,**[B] i.e., the fourteenth of Iyyar, **one does not eulogize.** Should one infer from here **that** on **Major** Passover, i.e., the fourteenth of Nisan, it is permitted **to eulogize?** Clearly that is not the case. **Rather,** if one may not eulogize on the fourteenth of Iyyar, **all the more so** one may not eulogize on the fourteenth of Nisan. **Here too,** if a limb from a living person is impure, **all the more so** a limb from a corpse is impure. Rabbi Eliezer **said to him:** Despite this reasoning, **such** is the ruling **I heard** from my teachers.

וּמַאי אִיכָּא בֵּין אֵבֶר מִן הַחַי לְאֵבֶר מִן הַמֵּת? כַּזַּיִת בָּשָׂר וְעֶצֶם כַּשְּׂעוֹרָה הַפּוֹרֵשׁ מֵאֵבֶר מִן הַחַי אִיכָּא בֵּינַיְיהוּ.

§The mishna teaches that Rabbi Meir holds that with regard to a partially severed limb of a person, after the person dies the limb imparts impurity as a limb from a living person but not as a limb from a corpse. The Gemara asks: **What** difference **is there between** the impurity of **a limb from a living** person **and** the impurity of **a limb from a corpse?** The Gemara answers: The practical difference **between them** is with regard to the case of **an olive-bulk of flesh, or a bone** the volume of **a barley grain, that separates from** the severed **limb of a living** person.

דְּתָנַן: כַּזַּיִת בָּשָׂר הַפּוֹרֵשׁ מֵאֵבֶר מִן הַחַי – רַבִּי אֱלִיעֶזֶר מְטַמֵּא, וְרַבִּי נְחוּנְיָא בֶּן הַקָּנָה וְרַבִּי יְהוֹשֻׁעַ מְטַהֲרִין. עֶצֶם כַּשְּׂעוֹרָה הַפּוֹרֵשׁ מֵאֵבֶר מִן הַחַי – רַבִּי נְחוּנְיָא מְטַמֵּא, רַבִּי אֱלִיעֶזֶר וְרַבִּי יְהוֹשֻׁעַ מְטַהֲרִין.

As we learned in a mishna (*Eduyyot* 6:3): In the case of **an olive-bulk of flesh that separates from a limb** severed **from a living** person, **Rabbi Eliezer deems** it **impure, and Rabbi Neḥunya ben HaKana and Rabbi Yehoshua deem** it **pure.** In the case of **a bone** the volume of **a barley-grain that separates from a limb** severed **from a living** person, **Rabbi Neḥunya deems** it **impure, and Rabbi Eliezer and Rabbi Yehoshua deem** it **pure.**

הָשְׁתָּא דְּאָתֵית לְהָכִי, בֵּין תַּנָּא קַמָּא לְרַבִּי שִׁמְעוֹן נַמִּי: כַּזַּיִת בָּשָׂר וְעֶצֶם כַּשְּׂעוֹרָה, אִיכָּא בֵּינַיְיהוּ.

The Gemara comments: **Now that you have arrived at this** dispute between *tanna'im*, it is possible to say that the difference **between the first *tanna*** in the mishna, i.e., Rabbi Meir, **and Rabbi Shimon** is **also** with regard to the cases of **an olive-bulk of flesh and a bone** the size of **a barley grain.** Rabbi Meir states that the partially severed limb of a person imparts the impurity of a limb from a living person but not the impurity of a limb from a corpse. The difference between these two types of impurity is with regard to a case where either an olive-bulk of flesh or a bone the size of a barley grain was separated from the severed limb; Rabbi Neḥunya holds that flesh that separated from a limb of a living person is pure, but a bone that separated from a limb of a living person is impure, and Rabbi Eliezer holds vice versa. Rabbi Meir consequently holds in accordance with one of these two opinions. Rabbi Shimon holds in accordance with the opinion of Rabbi Yehoshua that both a bone and flesh that separated from a limb of a living person are pure.

BACKGROUND

***Megillat Ta'anit* – מְגִילַת תַּעֲנִית:** This is a scroll that contains primarily a list of joyous dates on which it is prohibited to fast or eulogize. Most of the dates commemorate national events that took place between the time of the Hasmoneans and the destruction of the Second Temple, although some dates are based on earlier and later events. At the end of the scroll, some editions include a list of dates of national tragedies, most of them from the era of the First Temple or earlier, that are commemorated as days of mourning and fasting. The scroll is written primarily in Aramaic with lengthy notes in Hebrew.

Minor Passover – פִּסְחָא וְעִיָּרָא: One who was ritually impure, on a distant journey, or failed to bring the Paschal offering at its proper time on the fourteenth of Nisan may compensate by bringing the offering on the fourteenth of Iyyar. There is a tannaitic dispute as to whether one who was not obligated to bring a Paschal offering must bring one on the fourteenth of Iyyar. All the *halakhot* that apply to the sacrifice of the Paschal offering apply to the second Paschal offering, with one exception: There is no prohibition against eating or possessing leavened bread on that day. Still, leavened bread may not be eaten together with the second Paschal offering itself.

הדרן עלך העור והרוטב

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Summary of **Perek IX**

The central theme of this chapter is ritual impurity. The discussion relates primarily not to the sources of impurity themselves, but to items that are attached to them and are consequently impure. The Gemara discussed the differences with regard to the *halakhot* of ritual impurity between an appendage that serves the impure item as a handle and one that provides protection for the item. Protection attached to a food item is susceptible to impurity, imparts impurity if the food item is impure, and joins together with the food to constitute the requisite measure for impurity. A handle is also susceptible to impurity and can impart impurity, but it does not join together with the food item to constitute the requisite measure for impurity.

The Gemara also explored the status of a limb or flesh from an animal that is partially severed but remains hanging from the animal's body while it is alive. A distinction is made in this context between impurity due to its status as food and impurity due to its status as an animal carcass.

The Gemara in this chapter examined whether the hide of an animal has the status of protection or a handle, and what the status of congealed gravy attached to the meat is. In certain instances these items do not impart the impurity of a carcass but do impart impurity as food because they are edible. Several cases of an animal's hide are discussed, e.g., a partially flayed hide, which is susceptible to impurity as a handle for the flesh, and a flayed hide that is still attached to small pieces of flesh. While in general, a separated hide is not food and is not susceptible to impurity, a soft hide, which is edible, has the status of a food item.

In addition, with regard to edible substances that are completely covered, such as marrow and eggs, the Gemara considered whether a completely sealed food imparts impurity, or if there must be a perforation for impurity to be transmitted.

The Gemara in this chapter also investigated the status of a partially severed limb, a discussion with ramifications for impurity, but also with regard to the prohibition against eating a limb from a living animal. When is a partially severed limb considered to be separated, and therefore susceptible to impurity, and when is it considered to be still attached?

These are the themes that were discussed in this chapter.

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And this shall be the priests' due from the people, from those who slaughter an animal, whether it be ox or sheep; and he shall give to the priest the foreleg, and the jaw, and the maw.

(Deuteronomy 18:3)

Introduction to **Perek X**

Just as one must separate *teruma* and tithes from one's produce and give them to the priests, so too, the verse states that there is a positive mitzva to separate the foreleg, the jaw, and the maw from one's slaughtered kosher animals to give to the priest. The foreleg, the jaw, and the maw are referred to in the Gemara as gifts of the priesthood, or sometimes simply as gifts.

Although the Torah specifies many of the details of the mitzva, i.e., which animals are included in the obligation, which limbs are given, and to whom are they given, nevertheless, many aspects of the fulfillment of this mitzva require clarification.

With regard to which animals are included in the obligation, the verse is apparently referring to non-sacred kosher domesticated animals. Several questions arise here: Does the mitzva apply only to slaughtered non-sacred kosher animals, or to all slaughtered kosher animals, even sacrificial ones? Does the mitzva apply to animals to which a certain measure of sanctity applies but which are not entirely sacred? Does the obligation apply exclusively to animals raised in the possession of an Israelite? What is the *halakha* with regard to purchased animals or those belonging to a convert? Is one obligated to separate the gifts from them as well?

Similarly, the precise definition of the foreleg, the jaw, and the maw must be established, to determine the areas in the body of the animal that one is obligated to give to the priest.

When the verse states that the gifts are given to the priests, this also raises several questions: Which priests are entitled to receive the gifts? Are they given only to priests capable of serving in the Temple, or do the gifts belong to the entire tribe of priests and therefore may be given to all priests, and even to their daughters? Furthermore, the status of the gifts themselves requires clarification. Are they sanctified, or do they have no sanctity but are merely considered the monetary possession of the priest? If the latter is correct, then the priest may sell them or give them to whomever he chooses.

This chapter addresses and clarifies all of these questions and discusses other related topics as well.

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מתני׳ הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִין בָּאָרֶץ וּבְחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בְּחוּלִּין אֲבָל לֹא בְּמוּקְדָּשִׁין.

MISHNA The mitzva to give **the foreleg, the jaw, and the maw**[B] of slaughtered animals to the priests, known as the gifts of the priesthood, **applies**[H] both **in Eretz** Yisrael **and outside of Eretz** Yisrael,[N] **in the presence of the Temple and not in the presence of the Temple,** and it applies **to non-sacred** animals, **but not to sacrificial** animals.

שֶׁהָיָה בַּדִּין: וּמָה אִם הַחוּלִּין, שֶׁאֵינָן חַיָּבִים בְּחָזֶה וְשׁוֹק – חַיָּבִים בַּמַּתָּנוֹת. קָדָשִׁים, שֶׁחַיָּבִים בְּחָזֶה וְשׁוֹק – אֵינוֹ דִּין שֶׁחַיָּבִים בַּמַּתָּנוֹת?

It is necessary to emphasize that it does not apply to sacrificial animals, **as by right it should be** inferred *a fortiori*: **If non-sacred** animals, **which are not obligated to** have the **breast and thigh**[B] taken from them and given to the priest, **are obligated to** have **gifts** of the priesthood given from them, then with regard to **sacrificial** animals, **which are obligated to** have the **breast and thigh** given from them, **is it not right that** they should be **obligated to** have **gifts** of the priesthood given from them?

תַּלְמוּד לוֹמַר: ״וְאֶתֵּן אֹתָם לְאַהֲרֹן הַכֹּהֵן וּלְבָנָיו לְחָק עוֹלָם״ – אֵין לוֹ אֶלָּא מַה שֶּׁאָמוּר בָּעִנְיָן.

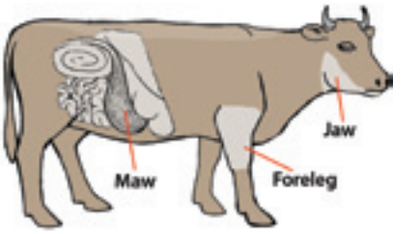
Therefore, **the verse states:** "For the breast of waving and the thigh of giving I have taken of the children of Israel from the sacrifice of the peace offerings, **and have given them to Aaron the priest and to his sons as a due forever** from the children of Israel" (Leviticus 7:34), from which it is derived that the priest **has only that which is stated with regard to** that **matter,** i.e., the breast and the thigh, and not the foreleg, the jaw and the maw.

כָּל הַקָּדָשִׁים שֶׁקָּדַם מוּם קָבוּעַ לְהֶקְדֵּשָׁן וְנִפְדּוּ – חַיָּבִין בִּבְכוֹרָה וּבְמַתָּנוֹת, וְיוֹצְאִין לְחוּלִּין לְהָגֵּז וּלְהֵעָבֵד, וּוְלָדָן וַחֲלָבָן מוּתָּר לְאַחַר פִּדְיוֹנָן,

All sacrificial animals in **which a permanent blemish preceded their consecration** do not assume inherent sanctity, and only their value is consecrated. **And** once **they were redeemed,** they **are obligated in** the mitzva of **a firstborn,**[H] i.e., their offspring are subject to being counted a firstborn, **and in the gifts**[H] of the priesthood, **and they can emerge** from their sacred status and assume **non-sacred** status **with regard to being shorn and with regard to being utilized for labor,**[H] as it is prohibited to shear animals with sacred status or utilize them for labor. **And their offspring and their milk are permitted after their redemption.**[H]

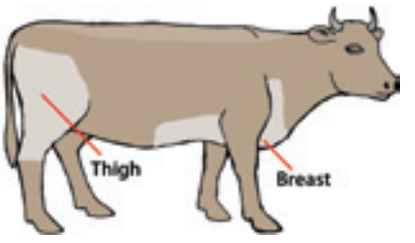
BACKGROUND

The foreleg, the jaw, and the maw – הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה:



Foreleg, jaw, and maw

Breast and thigh – חָזֶה וְשׁוֹק:



Breast and thigh

NOTES

In Eretz Yisrael and outside of Eretz Yisrael – בָּאָרֶץ וּבְחוּצָה לָאָרֶץ: The commentaries explain that this statement serves to exclude the opinion of Rabbi Ilai, who holds that the mitzvot relating to gifts of the priesthood apply only in Eretz Yisrael (Rashi on 136b and 138b; Ritva). According to Rashi and *Tosafot* (136b), the *halakha* is in accordance with the opinion of Rabbi Ilai. If so, that would explain why the mitzva to give the gifts of the priesthood is mentioned only in Deuteronomy (18:3), immediately before the entrance of the Jewish people into Eretz Yisrael: While they remained in the wilderness, which is outside of Eretz Yisrael, the mitzva was not yet relevant (*Meshekh Ḥokhma*).

HALAKHA

The mitzva to give the foreleg, the jaw, and the maw to the priests applies, etc. – הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִין וכו׳: There is a positive mitzva to give a priest the foreleg, the jaw, and the maw of every slaughtered kosher animal. These portions are referred to as gifts of the priesthood. This mitzva applies both in the presence of the Temple and not in the presence of the Temple, and both inside and outside Eretz Yisrael. It applies only to non-sacred animals, not sacrificial ones. Some authorities hold that this mitzva does not apply outside of Eretz Yisrael, and the prevailing custom is in accordance with this opinion (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 61:21).

All sacrificial animals in which a permanent blemish preceded their consecration…are obligated in the mitzva of a firstborn – כָּל הַקָּדָשִׁים שֶׁקָּדַם מוּם קָבוּעַ לְהֶקְדֵּשָׁן...חַיָּבִין בִּבְכוֹרָה: All sacrificial animals whose permanent blemish preceded their consecration and were redeemed are subject to the mitzva of a firstborn (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 5:8).

And in the gifts – וּבְמַתָּנוֹת: All sacrificial animals whose permanent blemish preceded their consecration and were later redeemed are obligated to have gifts of the priesthood given from them (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:2).

And they can emerge and assume non-sacred status with regard to being shorn and with regard to being utilized for labor – וְיוֹצְאִין לְחוּלִּין לְהָגֵּז וּלְהֵעָבֵד: If one consecrates an animal with a permanent blemish and then redeems it, the animal loses its non-sacred status entirely and may be shorn and utilized for labor (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 1:9).

And their offspring…are permitted after their redemption – וּוְלָדָן...מוּתָּר לְאַחַר פִּדְיוֹנָן: Offspring born to a consecrated animal that has a permanent blemish are redeemed and become non-sacred. This is the *halakha* even if the offspring are unblemished, so that the status of the secondary item, i.e., the offspring, should not be more stringent than that of the principal, its mother (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:11).

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וְהַשּׁוֹחֲטָן בַּחוּץ – פָּטוּר, וְאֵין עוֹשִׂין תְּמוּרָה, וְאִם מֵתוּ – יִפָּדוּ. חוּץ מִן הַבְּכוֹר וּמִן הַמַּעֲשֵׂר.

And one who slaughters these animals **outside** the Temple courtyard is **exempt**[H] from *karet*, **and** those animals **do not render** an animal that was **a substitute**[B] for them consecrated.[H] **And if** these animals **died** before they were redeemed, **they may be redeemed**[H] and fed to dogs. Although typically sacrificial animals that were redeemed may not be fed to the dogs, in this case it is permitted. This is the *halakha* with regard to all animals **except for the firstborn** animal **and the** animal **tithe,**[HN] whose sanctity is inherent, even when a permanent blemish preceded their consecration.

כָּל שֶׁקִּדְּמָה הֶקְדֵּשָׁן אֶת מוּמָן, אוֹ מוּם עוֹבֵר קוֹדֵם לְהֶקְדֵּשָׁן וְלְאַחַר מִכָּאן נוֹלַד לָהֶם מוּם קָבוּעַ, וְנִפְדּוּ – פְּטוּרִין מִן הַבְּכוֹרָה וּמִן הַמַּתָּנוֹת, וְאֵינָן יוֹצְאִין לְחוּלִין לְהִגָּזֵז וּלְהֵעָבֵד,

With regard to **all** sacrificial animals **whose consecration preceded their blemish, or** who had **a temporary blemish prior to their consecration and afterward developed a permanent blemish and they were redeemed, they are exempt from** the mitzva of **a firstborn, and from the gifts**[H] of the priestood, **and they do not emerge** from their sacred status and assume **non-sacred** status **with regard to being shorn and with regard to being utilized for labor.**[H]

וּוְלָדָן וַחֲלָבָן אָסוּר לְאַחַר פִּדְיוֹנָן, וְהַשּׁוֹחֲטָן בַּחוּץ – חַיָּיב, וְעוֹשִׂין תְּמוּרָה, וְאִם מֵתוּ – יִקָּבְרוּ.

And their offspring, which were conceived prior to redemption, **and their milk, are prohibited after their redemption.**[H] **And one who slaughters them outside** the Temple courtyard is **liable**[N] to receive *karet*, **and** those animals **render** an animal that was **a substitute** for them consecrated.[H] **And if** these animals **died** before they were redeemed, they may not be redeemed and fed to dogs; rather, **they must be buried.**[H]

גמ׳ טַעֲמָא, דִּכְתַב רַחֲמָנָא ״אֹתָם״, הָא לָאו הָכִי, הָוָה אָמִינָא קָדָשִׁים חַיָּיבִין בְּמַתָּנוֹת.

GEMARA The mishna teaches that the verse: "And have given them to Aaron the priest and to his sons" (Leviticus 7:34), indicates that only the breast and thigh, which are the subject of that verse, are given from sacrificial animals to the priest, but gifts of the priesthood are not given from sacrificial animals. The Gemara infers: The **reason** sacrificial animals are not included in the mitzva of gifts of the priesthood is due to the fact **that the Merciful One writes: "Them,"** in reference to the breast and the thigh of sacrificial animals. **But** were it **not** for **this, I would say** by *a fortiori* inference that **sacrificial** animals are **obligated to** have **gifts** of the priesthood given from them.

HALAKHA

And one who slaughters them outside is exempt – וְהַשּׁוֹחֲטָן בַּחוּץ פָּטוּר: If one slaughters outside the Temple courtyard an animal that may not be sacrificed upon the altar, he is exempt from *karet*, even if the animal was blemished, as the verse states: "Before the Tabernacle of the Lord" (Leviticus 17:4). This indicates that one is not liable for slaughtering outside the Temple any animal that is unfit to be brought before the Tabernacle (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 18:6).

And they do not render a substitute for them consecrated – וְאֵין עוֹשִׂין תְּמוּרָה: A permanently blemished animal that one consecrated cannot render an animal that was substituted for it consecrated. The reason is that only its value, not its body, was sanctified (Rambam *Sefer Korbanot*, *Hilkhot Temura* 1:13).

And if they died they may be redeemed – וְאִם מֵתוּ יִפָּדוּ: If one consecrated a permanently blemished animal, it can be redeemed even after it dies, as the sanctity took effect not upon its body but only upon its value (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:11).

Except for the firstborn animal and the animal tithe – חוּץ מִן הַבְּכוֹר וּמִן הַמַּעֲשֵׂר: Firstborn animals and the animal tithe possess inherent sanctity and never emerge from their sacred status. It remains prohibited to shear them or use them for labor even if they have a permanent blemish (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 1:9).

Exempt…and from the gifts – פְּטוּרִין…וּמִן הַמַּתָּנוֹת: With regard to all sacrificial animals whose temporary blemish preceded their consecration, or that were consecrated while unblemished and thereafter developed a permanent blemish and were subsequently redeemed, their owners are exempt from the mitzva to give the gifts of the priesthood (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:2).

And they do not emerge…with regard to being shorn and with regard to being utilized for labor – וְאֵינָן יוֹצְאִין…לְהִגָּזֵז וּלְהֵעָבֵד: A consecrated animal that developed a blemish, or that was consecrated while it had a temporary blemish and then developed a permanent blemish and was subsequently redeemed, may not be shorn or worked. This prohibition remains in force until it is slaughtered (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 1:9).

And their offspring…are prohibited after their redemption – וּוְלָדָן…אָסוּר לְאַחַר פִּדְיוֹנָן: The offspring of an animal that developed a permanent blemish after its consecration is prohibited and cannot be redeemed if it was conceived before the mother was redeemed (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:11).

And they render a substitute for them consecrated – וְעוֹשִׂין תְּמוּרָה: An animal that developed a permanent blemish after its consecration renders an animal that was substituted for it consecrated (Rambam *Sefer Korbanot*, *Hilkhot Temura* 1:13).

And if they died they must be buried – וְאִם מֵתוּ יִקָּבְרוּ: An animal that developed a permanent blemish after its consecration and then died is not redeemed after death. It must be buried in the manner of all unblemished sacrificial animals that died. The reason is that it requires being stood before a priest and appraised in order to be redeemed (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:11).

NOTES

Except for the firstborn animal and the animal tithe – חוּץ מִן הַבְּכוֹר וּמִן הַמַּעֲשֵׂר: A firstborn animal and an animal designated as animal tithe are inherently sanctified, even if they were blemished at the time of their sanctification and are unfit for sacrifice upon the altar. With regard to animal tithes, this is derived from a verbal analogy (see *Bekhorot* 14b), while in the case of a firstborn, the commentaries explain that it is because the firstborn is consecrated automatically from the womb (Rabbeinu Gershom Meor HaGola; Rambam).

And one who slaughters them outside the Temple courtyard is liable – וְהַשּׁוֹחֲטָן בַּחוּץ חַיָּיב: Generally, one who slaughters a blemished sacrificial animal outside the Temple courtyard is exempt from *karet*, as one is liable for slaughtering an offering outside the Temple only if the offering was fit for sacrifice inside (*Zevaḥim* 112b). By contrast, the mishna is referring to animals with minor blemishes, e.g., on the animal's cornea, as the *halakha* is that if such animals ascended the altar they do not subsequently descend. For this reason, one who slaughters them outside the Temple is liable (Rashi). An alternative version of the text states that one who slaughters them outside the Temple is exempt from *karet* (Rambam). Based on the Gemara in *Bekhorot* 16a, this was apparently the version of the *amora'im* as well.

BACKGROUND

Substitute – תְּמוּרָה: The act of substitution is mentioned in the Torah (see Leviticus 27:10), and tractate *Temura* focuses on the *halakhot* of this act. The Torah prohibits the substitution of another animal for any offering, whether that offering is unblemished or blemished. One who performs an act of substitution violates a prohibition and receives lashes as a punishment. Nevertheless, if an act of substitution is performed, the second animal does acquire a measure of sanctity, while the initial animal also remains sacred. This applies to all animals used as substitutes, whether they are unblemished or blemished, and the animal designated as a substitute can never be used for labor or redeemed. The ultimate fate of the substitute varies with the particular type of offering. In some instances, e.g., a substitute for a sin offering, the animal is left to die. In other cases, such as a guilt offering, the animal is put out to graze until it becomes blemished. Lastly, some substitutes, e.g., that of a peace offering, are consecrated for the altar in addition to the original animal.

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אִיבָּא לְמֵיפְרַךְ: מַה לְּחוּלִּין – שֶׁכֵּן חַיָּבִין בִּבְכוֹרָה!

The Gemara asks: Why is it necessary to derive this *halakha* from a verse? The *a fortiori* inference **can be refuted** as follows: **What** is unique **about non-sacred** animals? They are unique **in that** they **are obligated** in the mitzva of **a firstborn,** whereas sacrificial animals are exempt. Therefore, the *a fortiori* inference stated in the mishna should not apply.

תֵּיתֵי מִזְּכָרִים. מַה לִּזְכָרִים שֶׁכֵּן חַיָּבִין בְּרֵאשִׁית הַגֵּז!

The Gemara responds: One could **derive** that the mitzva to give the gifts of the priesthood applies to sacrificial animals through an *a fortiori* inference **from** non-sacred **male** animals, which do not give birth to offspring and whose owners are therefore exempt from counting their offspring a firstborn, and nevertheless are subject to the giving of the gifts of the priesthood. The Gemara rejects this suggestion: **What** is unique **about** non-sacred **male** animals? They are unique **in that** they are **obligated to** have **the first sheared wool**[B] given to the priest from them.

מִתְּיָישִׁים. מַה לִּתְיָישִׁים שֶׁכֵּן נִכְנָסִין לַדִּיר לְהִתְעַשֵּׂר!

The Gemara persists: One can derive that the obligation applies to sacrificial animals by an *a fortiori* inference **from male goats,**[B] whose owners are exempt from counting their offspring a firstborn as well as from the first sheared wool, and yet are subject to the obligation of gifts of the priesthood. The Gemara rejects this claim as well: **What** is unique **about male goats?** They are unique **in that they enter the pen to be tithed** for the animal tithe, whereas sacrificial animals are not subject to the animal tithe.

מִזְּקֵנִים. מַה לִּזְקֵנִים שֶׁכֵּן נִכְנָסוּ לַדִּיר לְהִתְעַשֵּׂר!

The Gemara further suggests that one can derive the obligation of sacrificial animals having the breast and thigh given from them by *a fortiori* inference **from old** male goats, which have already entered the pen in order to be tithed. Consequently, the obligation of the animal tithe, the obligation of counting the offspring a firstborn, and the first sheared wool do not apply. The Gemara rejects this suggestion as well: **What** is unique **about old** male goats? They are unique **in that they** have **entered the pen to be tithed,** which is not the case with regard to sacrificial animals.

מִלָּקוּחַ וְיָתוֹם. מַה לְּלָקוּחַ וְיָתוֹם שֶׁכֵּן נִכְנָסִין בִּמְינָן לַדִּיר לְהִתְעַשֵּׂר!

The Gemara again suggests that perhaps one can derive the obligation of giving gifts of the priesthood with regard to sacrificial animals by an *a fortiori* inference **from a purchased** animal, to which the obligation of the animal tithe never applies. **Or** perhaps it can be derived from **an orphaned** animal, born after the death of its mother, which is also not subject to the obligation of animal tithe. The Gemara rejects this claim: **What** is unique **about a purchased** animal **or an orphaned** animal? They are unique **in that** although they themselves do not enter the pen, animals **of their type enter the pen to be tithed.**

בִּמְינָן קָאָמְרַתְּ. קָדָשִׁים נַמִּי בִּמְינָן נִכְנָסִין לַדִּיר לְהִתְעַשֵּׂר.

The Gemara responds: **You say** that it is significant that animals **of their type** enter the pen? With regard to **sacrificial** animals **as well,** non-sacred animals **of their type enter the pen to be tithed.** Accordingly, one can claim *a fortiori* that the mitzva to give the gifts applies to sacrificial animals, and it is only due to the verse that they are exempt.

וְיִהְיוּ חוּלִּין חַיָּבִין בְּחָזֶה וְשׁוֹק, מִקַּל וָחוֹמֶר: וּמַה קָּדָשִׁים שֶׁאֵין חַיָּבִים בַּמַּתָּנוֹת – חַיָּבִין בְּחָזֶה וְשׁוֹק, חוּלִּין שֶׁחַיָּבִין בַּמַּתָּנוֹת – אֵינוֹ דִּין שֶׁחַיָּבִין בְּחָזֶה וְשׁוֹק?

§ The Gemara challenges: **And** now that it has been established that the obligation of the gifts of the priesthood does not apply to sacrificial animals, **non-sacred** animals **should be obligated to** have the **breast and thigh** given from them **by an *a fortiori*** inference: **If sacrificial** animals, **which are not obligated to** have **gifts** of the priesthood given from them, are nevertheless **obligated to** have the **breast and thigh** given from them, then with regard to **non-sacred** animals, **which are obligated to** have **gifts** of the priesthood given from them, **is it not right that** they should be **obligated to** have the **breast and thigh** given from them?

אָמַר קְרָא: ״וְזֶה יִהְיֶה מִשְׁפַּט הַכֹּהֲנִים״, ״זֶה״ – אִין, מִידֵי אַחֲרִינָא – לָא.

The Gemara responds that the **verse states: "And this shall be the priests' due** from the people, from them that perform a slaughter, whether it be an ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). The verse indicates that "**this,**" the foreleg, the jaw, and the maw, **yes,** is given to the priests, but **another item,** i.e., the breast and thigh, is **not** given to the priests from non-sacred slaughtered animals.

BACKGROUND

First sheared wool – רֵאשִׁית הַגֵּז: One is obligated to give the priest the first portion of any wool shorn from a flock of five or more sheep (Deuteronomy 18:4). This donation must weigh at least five *sela*, and it becomes the personal property of the priest. It is not considered sacred. The details of this mitzva are discussed in the next chapter of this tractate.

Male goats [*teyashim*] – תְּיָישִׁים: The male goat is referred to in the Torah with this word, as in the following verse: "Two hundred female goats [*izim*], and twenty male goats [*teyashim*]" (Genesis 32:15). Its appearance is characterized by its beard, which is longer and hairier than that of the female goat, and its long horns, which curve to the sides.



Male goat

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BACKGROUND

Wavings – תְּנוּפוֹת: An act of waving is performed with peace offerings, thanks offerings, and the nazirite's ram. Following the slaughter of the animal and the presenting of its blood upon the altar, its carcass is skinned; its fats, kidneys, and fat tail are removed; and the breast and thigh are separated. These parts are grasped by the individual bringing the offering, and the officiating priest puts his hands beneath those of the owner. Together they wave the sacrificial parts in the four directions of the compass, and then up and down. In the case of a thanks offering, four loaves of different types of bread are placed upon the pile of animal parts before the waving is performed.

אֶלָּא טַעֲמָא דִּכְתַב רַחֲמָנָא ״זֶה״, הָא לָאו הָכִי הֲוָה אָמִינָא: חוּלִּין חַיָּבִין בְּחָזֶה וְשׁוֹק? וְהָא בָּעֵי תְּנוּפָה, הֵיכָא לֵינוֹפֵינְהוּ? אִי אַבְּרֵאי – ״לִפְנֵי ה׳״ כְּתִיב,

The Gemara raises a difficulty: **But** this derivation indicates that the **reason** the giving of the breast and thigh does not apply to non-sacred animals is that **the Merciful One writes "this,"** from which it may be inferred if **not** for **this, I would say** that one is **obligated to** give the **breast and thigh** from **non-sacred** animals. **But** the procedure for giving the breast and thigh **requires waving,**[B] and **where would one wave** the breast and thigh of a non-sacred animal? **If** it is suggested that one wave them **outside** the Temple, that cannot be done, as **it is written:** "That the breast may be waved for a wave offering **before the Lord"** (Leviticus 7:30), indicating that they must be waved inside the Temple.

Perek **X**
Daf **130** Amud **b**

HALAKHA

One who causes damage to gifts of the priesthood or who consumed them – הַמַּזִּיק מַתְּנוֹת כְּהוּנָּה אוֹ שֶׁאֲכָלָן: It is prohibited for an Israelite to eat gifts of the priesthood without the permission of a priest. If he consumed them without permission, or if he caused damage to them or sold them, he is exempt from payment, as the gifts are considered money that has no specific claimants. The *Shakh* adds that even so, by the laws of Heaven one is obligated to pay (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:14; *Shulḥan Arukh*, *Yoreh De'a* 61:31).

NOTES

If you wish say that it is because "this" is written…money that has no claimants – אִיבָּעֵית אֵימָא דִּכְתִיב זֶה...מָמוֹן שֶׁאֵין לוֹ תוֹבְעִים: The early commentaries explain that according to the first reason, the verse indicates that only the gifts themselves are given to the priest but not their substitute. The verse also teaches that the foreleg, the jaw, and the maw are considered a judgment, whereas the breast and thigh are not, as the Gemara later notes. By contrast, according to the second reason, only the second *halakha* is derived from the verse. Another practical difference is that according to the second reason, although the priest may not issue a monetary claim against one who causes damage to gifts of the priesthood, the individual is nevertheless obligated to pay by the laws of Heaven. According to the first reason, the verse indicates that one is entirely exempt from payment (*Tosafot*; Rosh). The Rosh and the Rambam rule in accordance with the second reason (*Beit Yosef*, *Yoreh De'a* 61).

אִי אַגַּבֵּי – קָא מְעַיֵּיל חוּלִּין לַעֲזָרָה! הִלְכָךְ לֹא אֶפְשָׁר.

If it is suggested that they should be waved **inside** the Temple, that too cannot be correct, because one who waves them inside the Temple thereby **brings a non-sacred** animal **into the** Temple **courtyard. Therefore,** since it is **not possible** to perform the procedure of giving the breast and thigh with non-sacred animals, it is not necessary for a verse to teach that the giving of the breast and thigh does not apply to such animals.

אֶלָּא ״זֶה״ לָמָּה לִי? לְכִדְרַב חִסְדָּא, דְּאָמַר רַב חִסְדָּא: הַמַּזִּיק מַתְּנוֹת כְּהוּנָּה אוֹ שֶׁאֲכָלָן – פָּטוּר מִלְּשַׁלֵּם.

The Gemara asks: **But** if that is so, **why do I** need the verse to state: "**This** shall be the priests' due" (Deuteronomy 18:3)? The Gemara answers: The verse is necessary **for that which Rav Ḥisda** taught, **as Rav Ḥisda said: One who causes damage** to **gifts of the priesthood, or who consumed them**[H] before they were given to the priests, is **exempt from** having **to pay** to the priest, as the verse states: "This shall be the priests' due," which indicates that only the foreleg, the jaw, and the maw themselves, not their replacements, are given to the priests.

גּוּפָא, אָמַר רַב חִסְדָּא: הַמַּזִּיק מַתְּנוֹת כְּהוּנָּה אוֹ שֶׁאֲכָלָן – פָּטוּר מִלְּשַׁלֵּם. מַאי טַעֲמָא? אִיבָּעֵית אֵימָא: דִּכְתִיב ״זֶה״, וְאִיבָּעֵית אֵימָא: מִשּׁוּם דַּהֲוָה לֵיהּ מָמוֹן שֶׁאֵין לוֹ תוֹבְעִים.

§ The Gemara analyzes **the** matter **itself: Rav Ḥisda said** that **one who causes damage** to **gifts of the priesthood or who consumed them** is **exempt from** having **to pay** a substitute to the priest. The Gemara asks: **What is the reason? If you wish, say that** it is because **"this" is written** in the verse, indicating that only the foreleg, the jaw, and the maw themselves are given to the priests, as explained above. **And if you wish, say** instead that it is **because it is money that has no claimants.**[N] Since one may give the gifts to any priest, no single priest can issue a claim on them.

מֵיתִיבִי: ״וְזֶה יִהְיֶה מִשְׁפַּט הַכֹּהֲנִים״ – מְלַמֵּד שֶׁהַמַּתָּנוֹת דִּין. לְמַאי הִלְכְתָא, לָאו לְהוֹצִיאָן בְּדַיָּינִין? לָא, לְחוֹלְקָן בְּדַיָּינִין,

The Gemara **raises an objection** from a *baraita*. The verse states: "**And this shall be the priests' due** [***mishpat***]" (Deuteronomy 18:3), which **teaches that the gifts** given to the priests are considered **a judgment,** as *mishpat* can mean judgment. The Gemara continues: **With regard to what *halakha*** are the gifts a judgment? Is it **not with regard to extracting** them **through judges,** i.e., a priest may claim them in court and the court will order the individual to give the gifts to that priest? If so, the gifts are considered to be money that has claimants. The Gemara rejects this suggestion: **No,** they are a judgment **with regard to distributing them through judges,** i.e., the court dictates to the owner to which type of priests he should give the gifts.

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וְכִדְרַב שְׁמוּאֵל בַּר נַחְמָנִי. דַּאֲמַר רַב שְׁמוּאֵל בַּר נַחְמָנִי, אֲמַר רַבִּי יוֹנָתָן: מִנַּיִן שֶׁאֵין נוֹתְנִין מַתָּנָה לְכֹהֵן עַם הָאָרֶץ – שֶׁנֶּאֱמַר ״וַיֹּאמֶר לָעָם לְיוֹשְׁבֵי יְרוּשָׁלַם לָתֵת מְנָת לַכֹּהֲנִים וְלַלְוִיִּם לְמַעַן יֶחֱזְקוּ בְּתוֹרַת ה״ – כָּל הַמַּחֲזִיק בְּתוֹרַת ה׳, יֵשׁ לוֹ מָנָת. וְשֶׁאֵינוֹ מַחֲזִיק בְּתוֹרַת ה׳, אֵין לוֹ מָנָת.

And this is **in accordance with that which Rav Shmuel bar Naḥmani** taught, **as Rav Shmuel bar Naḥmani said** that **Rabbi Yonatan said: From where** is it derived **that one does not give a gift** of the priesthood **to a priest** who is **an *am ha'aretz*?**[H] It is derived from a verse, **as it is stated: "And he commanded the people who dwelled in Jerusalem to give the portion of the priests and of the Levites, so that they may firmly adhere to the Torah of the Lord"** (II Chronicles 31:4). This indicates that **anyone who firmly adheres to the Torah of the Lord has a portion, and one who does not firmly adhere to the Torah of the Lord does not have a portion.**

תָּא שְׁמַע, רַבִּי יְהוּדָה בֶּן בְּתֵירָא אוֹמֵר: ״מִשְׁפַּט״ – מְלַמֵּד שֶׁהַמַּתָּנוֹת דִּין. יָכוֹל אֲפִילּוּ חָזֶה וְשׁוֹק דִּין? תַּלְמוּד לוֹמַר: ״זֶה״.

The Gemara suggests: **Come** and **hear** a proof with regard to the statement of Rav Ḥisda from a *baraita*: **Rabbi Yehuda ben Beteira says** that the phrase "And this shall be the priests' **due" teaches that the gifts** of the priesthood are **a judgment.** One **might** have thought that the gifts of the **breast and thigh** are **also a judgment.** Therefore, **the verse states: "This,"** to teach that only the gifts of the foreleg, the jaw, and the maw are called a judgment.

לְמַאי? אִילֵימָא לְחוֹלְקוֹ בְּדַיָּינִין – אַטּוּ חָזֶה וְשׁוֹק לָאו בְּדַיָּינִין מִיחַלְקוּ? אֶלָּא לָאו, לְהוֹצִיא בְּדַיָּינִין!

The Gemara analyzes this *baraita*: **With regard to what** matter is this *halakha* stated? **If we say** that it is **with regard to distributing** them **through judges, is that to say** that the **breast and thigh are not distributed through judges?** These are also called a "portion" (II Chronicles 31:4), and therefore the court determines to which priests they should be given, as stated above. **Rather, is it not** stated **with regard to extracting** them **through judges?** If so, one can infer from the *baraita* that gifts of the priesthood can be extracted in court by a priest, which contradicts the statement of Rav Ḥisda.

הָכָא בְּמַאי עָסְקִינַן, דְּאָתוּ לִידֵיהּ. אִי דְּאָתוּ לִידֵיהּ, מַאי לְמֵימְרָא? דְּאָתוּ לִידֵיהּ בְּטִבְלֵיהוּ, וְקָסָבַר הַאי תַּנָּא: מַתָּנוֹת שֶׁלֹּא הוּרְמוּ – כִּמְי שֶׁהוּרְמוּ דָּמְיָין.

The Gemara responds: **Here, we are dealing with** a case **where** the gifts already **came into** the priest's **possession,** and the owner stole them from him. The *baraita* teaches that the priest may claim them in court and the court will order that they be returned to him. The Gemara asks: **If** this is a case **where they came into his possession, what** is the purpose **of stating** that the priest may claim them in court? That is obvious, as they already belong to him. The Gemara responds: The *baraita* is referring to a case **where they came into his possession while they** were still **untithed,** i.e., the priest received the entire animal before the gifts were separated, **and this *tanna* holds** that **gifts that have not been separated are considered as though they have been separated.** Accordingly, the gifts belong to the priest, and if the owner takes them from him against his will it is considered theft.

תָּא שְׁמַע: בַּעַל הַבַּיִת שֶׁהָיָה עוֹבֵר מִמָּקוֹם לְמָקוֹם, וְצָרִיךְ לִישּׁוֹל לֶקֶט שִׁכְחָה וּפֵאָה וּמַעֲשַׂר עָנִי – נוֹטֵל, וְלִכְשֶׁיַּחֲזוֹר יְשַׁלֵּם, דִּבְרֵי רַבִּי אֱלִיעֶזֶר!

The Gemara suggests: **Come** and **hear** a proof with regard to the statement of Rav Ḥisda from a mishna (*Pe'a* 5:4): In the case of **a homeowner who was passing from place to place,** and he ran out of money while traveling **and needs to take gleanings,**[B] **forgotten** sheaves,[B] ***pe'a,***[B] **or the poor man's tithe**[B] in order to sustain himself, he may **take** them, **and when he returns** to his house **he will pay** a poor person for whatever he took; this is **the statement of Rabbi Eliezer.** The mishna teaches that a poor person may extract payment for that which the homeowner took, despite the fact that he never had possession of the gifts. This ruling apparently contradicts the statement of Rav Ḥisda.

HALAKHA

That one does not give a gift of the priesthood to a priest who is an *am ha'aretz* – שֶׁאֵין נוֹתְנִין מַתָּנָה לְכֹהֵן עַם הָאָרֶץ: Ideally, one should give the gifts of the priesthood to a priest who is a *ḥaver*. If there is no such priest, one gives it to a priest who is an *am ha'aretz*. Along the same lines, the Rema adds that if the priest who is a *ḥaver* declines to accept the gifts, one gives them to a priest who is an *am ha'aretz* (*Shulḥan Arukh*, *Yoreh De'a* 61:7).

BACKGROUND

Gleanings – לֶקֶט: The Torah prohibits the owner of a field from gleaning for his own use individual stalks that have fallen during the harvest (Leviticus 19:9). Fewer than three stalks that fall in one place are deemed gleanings and are considered the property of the poor. The owner must leave them as one of the obligatory agricultural gifts to the poor.

Forgotten sheaves – שִׁכְחָה: This, too, is one of the agricultural gifts to the poor. A farmer who forgot a sheaf in the field while harvesting his grain may not return to collect it. Instead, it must be left for the poor (Deuteronomy 24:19).

Pe'a – פֵּאָה: The Torah states that it is prohibited for a farmer to harvest the produce in the corner of his field. Rather, he must allow the poor to collect this produce themselves. The Sages decreed that the area of the corner must be at least one-sixtieth of the field. This mitzva is stated in the Torah (Leviticus 19:9, 23:22), and tractate *Pe'a* is devoted to the details of the mitzva.

Poor man's tithe – מַעֲשַׂר עָנִי: The poor man's tithe is a special tithe set aside from agricultural produce and distributed to the poor. During the third and sixth years of the Sabbatical cycle, after the priests' share of the produce and the first tithe have been set aside, one-tenth of the remaining produce is distributed to the poor. This is called the poor man's tithe. During the other years of the Sabbatical cycle, the second tithe is separated instead of the poor man's tithe. Although the poor man's tithe is not sacred, the crop is considered untithed produce until it has been set aside, and the crop may not be eaten.

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BACKGROUND

First tithe – מַעֲשֵׂר רִאשׁוֹן: After *teruma* is separated from the produce, one-tenth of the remaining produce is given to the Levites. This produce is called the first tithe, which the owner gives to any Levite he chooses. A Levite who received first tithe is required to set aside one-tenth of this tithe as *teruma*, which he gives to a priest. The remaining first tithe, which is the Levite's property, has no sanctity, and may be eaten by anyone. Produce from which the first tithe has not been set aside has the status of untithed produce and may not be eaten. Because not everyone was conscientious about setting aside the first tithe, the Sages instituted that one must separate this tithe from doubtfully tithed produce as well. In such a case it is not given to a Levite; it may be eaten by anyone.

HALAKHA

A Levite who consumed his tithes while they were untithed…that he is exempt from payment – לֵוִי שֶׁאָכַל מַעֲשְׂרוֹתָיו טְבָלִים...שֶׁפָּטוּר מִן הַתַּשְׁלוּמִין: If a Levite consumed tithes before *teruma* of the tithe was separated from them, although he is liable to receive the punishment of death at the hand of Heaven, he is not required to pay for the gifts that he consumed (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 1:5).

אָמַר רַב חִסְדָּא: מִדַּת חֲסִידוּת שָׁנוּ כָּאן. אֲמַר רָבָא: תַּנָּא תְּנֵי ״יְשַׁלֵּם״, וְאַתְּ אָמְרַתְּ מִדַּת חֲסִידוּת שָׁנוּ כָּאן?! וְעוֹד, מִדְּרַבִּי אֱלִיעֶזֶר לֵיקוּם וְלֵיתוּב?

Rav Ḥisda said: The mishna **taught an attribute of piety here,** i.e., strictly speaking a poor person has no right to claim any amount from the homeowner for what he took. **Rava said** in bewilderment: **The *tanna* taught** explicitly that **he will pay, and you say** that he **taught an attribute of piety here? And furthermore, should** one **arise and raise an objection from** the statement **of Rabbi Eliezer?** The *halakha* is not in accordance with his opinion.

אֶלָּא מִסֵּיפָא: וַחֲכָמִים אוֹמְרִים: עָנִי הָיָה בְּאוֹתָהּ שָׁעָה, טַעֲמָא – דְּעָנִי, הָא עָשִׁיר – מְשַׁלֵּם,

Rather, the objection is **from the latter clause** of the mishna: **And the Rabbis say** that the homeowner is not required to pay for what he took during his travels, as **he was** considered **poor at that time.** It may be inferred that the **reason** he is exempt from payment is only **that** he was considered **poor** at the time, **but** if he were considered **wealthy,** he would have to **pay** the poor people who issue a claim against him in court, as he was not entitled to those gifts.

אַמַּאי? לֵיהֱוֵי כְּמַזִּיק מַתָּנוֹת כְּהוּנָּה אוֹ שֶׁאָכָלָן! אָמַר רַב חִסְדָּא: מִדַּת חֲסִידוּת שָׁנוּ כָּאן.

The Gemara explains the objection: But **why** must he pay? **Let it be** considered **like** a case where one **causes damage to gifts of the priesthood or consumes them,** with regard to which Rav Ḥisda states that he is not required to pay the priest. The opinion of the Rabbis apparently contradicts the statement of Rav Ḥisda. **Rav Ḥisda says:** Even if the homeowner was considered wealthy at the time he is not required to pay, and the Rabbis who obligated him to pay **taught an attribute of piety here.**

תָּא שְׁמַע: מִנַּיִן לְבַעַל הַבַּיִת שֶׁאָכַל פֵּירוֹתָיו טְבֵלִין, וְכֵן לֵוִי שֶׁאָכַל מַעֲשְׂרוֹתָיו טְבֵלִים, מִנַּיִן שֶׁפָּטוּר מִן הַתַּשְׁלוּמִין – תַּלְמוּד לוֹמַר ״וְלֹא יְחַלְּלוּ אֶת קָדְשֵׁי בְּנֵי יִשְׂרָאֵל אֲשֶׁר יָרִימוּ״ – אֵין לְךָ בָּהֶן אֶלָּא מִשְּׁעַת הֲרָמָה וְאֵילָךְ,

The Gemara suggests: **Come** and **hear** a proof from a *baraita*: **From where** is it derived **with regard to a homeowner who consumed his produce** while it was **untithed,** i.e., neither *teruma* nor the first tithe[B] had been separated, **and similarly,** with regard to **a Levite who consumed his tithes** while they were **untithed,** i.e., *teruma* of the tithe had not been separated, **from where** is it derived **that** he is **exempt from payment?**[H] **The verse states: "And they shall not profane the sacred things of the children of Israel, which they set apart** to the Lord" (Leviticus 22:15). This teaches that **you,** the priest, **have** rights **to them only from the time of separation onward.** Since the produce was eaten before *teruma* was separated from it, the priest cannot claim payment for it in court.

הָא מִשְּׁעַת הֲרָמָה וְאֵילָךְ מִיהָא מְשַׁלֵּם, אַמַּאי? לֵיהֱוֵי כְּמַזִּיק מַתָּנוֹת כְּהוּנָּה אוֹ שֶׁאָכָלָן! הָכָא נַמִי

The Gemara infers from this ruling: This indicates that if it was consumed **from the time of separation onward,** the priest may **in any event** claim payment for the *teruma* in court, and the one who consumed it must **pay.** But **why** must one pay? **Let it be like** a case where one **causes damage to gifts of the priesthood or consumes them,** with regard to which Rav Ḥisda states that he is exempt from payment. The Gemara responds: **Here too,**

Perek **X**
Daf **131** Amud **a**

דְּאָתוּ לִידֵיהּ בְּטִבְלֵייהוּ, וְקָסָבַר הַאי תַּנָּא: מַתָּנוֹת שֶׁלֹּא הוּרְמוּ, כִּמְי שֶׁהוּרְמוּ דָּמְיָין.

the *baraita* is referring to a case **where they came into** the priest's **possession while they** were still **untithed, and this *tanna* holds** that **gifts that have not been separated are considered as though they have been separated.** In such a case, the priest obtained rights to the ownerless gifts by seizing them first. Although when he seized the produce it was still untithed, the portion of the produce that is to be separated has the status of *teruma*. Accordingly, one who consumes such produce is required to pay the priest.

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תָּא שְׁמַע: הֲרֵי שֶׁאָנְסוּ בֵּית הַמֶּלֶךְ גָּרְנוֹ, אִם בְּחוֹבוֹ – חַיָּיב לְעַשֵּׂר, אִם בְּאַנְפָּרוֹת – פָּטוּר מִלְּעַשֵּׂר!

The Gemara further suggests: **Come** and **hear** another proof with regard to the statement of Rav Ḥisda from a *baraita*: In a case **where the household of the king seized one's threshing floor** by force, **if** they took it **as** payment of **his debt**[N] owed to the king, then **he is obligated to tithe** other grain in accordance with the amount he would have tithed before the grain was seized. Since he was already obligated to tithe the grain before it was seized, it is considered as though the grain was sold in an untithed state. **If they took it without reason** [*anparot*],[L] then **he is exempt from tithing.** The fact that one is required to tithe grain seized as payment of a debt indicates that the tithe is considered money that has claimants, from which it follows that a priest may extract payment of the tithe from him. Again, this apparently contradicts the statement of Rav Ḥisda.

שָׁאנֵי הָתָם דְּקָא מִשְׁתָּרְשִׁי לֵיהּ.

The Gemara rejects this proof: It **is different there,** since if one is not required to tithe grain seized as payment of a debt, this would mean **that** the seizure **causes benefit for him,**[N] as he will be exempt from tithing grain that he was previously obligated to tithe. It is for this reason that the *baraita* rules that one must tithe other grain instead of the seized grain, not because a priest could have issued a claim against him in court.

תָּא שְׁמַע: אָמַר לוֹ ״מְכוֹר לִי בְּנֵי מֵעָיָה שֶׁל פָּרָה״, וְהָיָה בָּהֶן מַתְּנוֹת כְּהוּנָּה – נוֹתְנָן לַכֹּהֵן, וְאֵינוֹ מְנַכֶּה לוֹ מִן הַדָּמִים. לָקַח הֵימֶנּוּ בְּמִשְׁקָל – נוֹתְנָן לַכֹּהֵן, וּמְנַכֶּה לוֹ מִן הַדָּמִים.

The Gemara suggests: **Come** and **hear** a proof from a mishna (132a): If an Israelite **says** to a butcher: **Sell me the innards of** a particular **cow, and there were gifts of the priesthood** included **with it,** i.e., the maw, that were not yet given to the priest, the purchaser **must give them to the priest, and** the butcher **may not deduct** the value of the gifts **from the money** that the purchaser pays **him,** as it is assumed that the gifts were not included in the sale. If **he purchased** the innards **from** the butcher **by weight,** the purchaser **must give** the gifts **to the priest, and** the butcher **deducts** the value of the gifts **from the money** that the Israelite pays **him.**

אַמַּאי? לֵיהֱוֵי כְּמַזִּיק מַתְּנוֹת כְּהוּנָּה אוֹ שֶׁאָכָלָן! שָׁאנֵי הָתָם דְּאִיתְּנִיהוּ בְּעֵינֵיהוּ.

The Gemara asks: **Why** must the buyer give the maw to the priest? **Let** the butcher's sale of the maw **be** considered **like** a case where one **causes damage to gifts of the priesthood or consumes them,** with regard to which Rav Ḥisda states that one is exempt from payment. This mishna apparently contradicts Rav Ḥisda's statement. The Gemara rejects this: It **is different there, as** the gifts **are intact,** i.e., they are distinct items in their own right. In such a case, the gifts must be given to the priest. By contrast, Rav Ḥisda is discussing cases in which the gifts are not distinguishable objects at the time.

תָּא שְׁמַע: תִּשְׁעָה נִכְסֵי כֹהֵן – תְּרוּמָה, וּתְרוּמַת מַעֲשֵׂר, וְחַלָּה, רֵאשִׁית הַגֵּז, וּמַתָּנוֹת, וְהַדְּמַאי, וְהַבִּכּוּרִים, וְהַקֶּרֶן, וְהַחוֹמֶשׁ.

The Gemara suggests: **Come** and **hear** another proof: **Nine** items are the **property of a priest:** ***Teruma, teruma* of the tithe,**[B] ***ḥalla,*** the portion of dough given to the priest, **the first sheared** wool, **gifts** of the priesthood, **doubtfully tithed produce** [*demai*],[L] **first fruits, the principal** value of the property of a convert, **and the** additional **one-fifth.** The two are paid to the priest in a case where the property of a convert was stolen and the thief took an oath that he did not steal it, and after the convert died the thief admitted to taking a false oath.

LANGUAGE

Without reason [*anparot*] – אַנְפָּרוֹת: This is likely the Hebrew form of the Greek ἀναφορά, *anaphora*, which refers to the confiscation of one's assets. In this context it refers to unwarranted confiscation by a belligerent ruler rather than payment of an outstanding debt.

Doubtfully tithed produce [*demai*] – דְּמַאי: *Demai* is produce from which one is obligated to separate *teruma* and tithes due to uncertainty as to whether they were already separated from the produce. In general, *demai* refers to the produce of an *am ha'aretz*, as the Sages investigated the practices of *amei ha'aretz* and determined that some of them were not meticulous in separating tithes from their produce. The Sages therefore decreed that one must separate tithes from produce purchased from *amei ha'aretz*.

Several explanations are offered with regard to the source of the word *demai*. Some explain that it is a conjunction of two Aramaic words: *Da*, meaning: This, and *mai*, meaning: What is it, as *demai* denotes produce whose status is uncertain. Others suggest that it is derived from the Hebrew *dema*, meaning mixture, as *demai* refers to mixed produce in the sense that its status is uncertain. Yet another explanation is that *demai* is from the Greek δῆμος, *dēmos*, which denotes the masses; this is understood as a reference to the *amei ha'aretz* from whom the produce was acquired.

BACKGROUND

***Teruma* of the tithe – תְּרוּמַת מַעֲשֵׂר:** The Levites are commanded to separate one-tenth of the tithe they receive and to transfer it to the priests. The Torah calls this "a tithe from the tithe" (Numbers 18:26), and the Sages refer to it as *teruma* of the tithe. All of the *halakhot* that apply to *teruma* apply to this tithe as well. Even nowadays, this tithe must be separated from produce, though it is ritually impure and therefore it may not be eaten.

NOTES

If they took it as payment of his debt – אִם בְּחוֹבוֹ: The later commentaries explain that the obligation to separate tithes for produce taken as payment of a tax applies only to a head tax or property tax. One is not obligated to separate tithes for produce taken as payment for income tax, which is deducted from one's profits. The same is true with regard to giving charity from one's monetary income, i.e., money paid as income tax is deducted from the calculation of one's assets when determining the amount one is obligated to give to charity (*Iggerot Moshe*).

It is different there since that causes benefit for him – שָׁאנֵי הָתָם דְּקָא מִשְׁתָּרְשִׁי לֵיהּ: The early commentaries point out that according to this answer, it is difficult to understand why one who consumes gifts of the priesthood is exempt from payment, as stated earlier. In that case as well, he is benefiting from the fact that by consuming these gifts he need not consume his own food. The commentaries answer that consuming the gifts is not considered a tangible benefit, as one could have fasted (*Tosafot*). Accordingly, if one sold gifts of the priesthood and received payment for them, even Rav Ḥisda agrees that one is obligated to pay the priest, as he clearly profited from the gifts. Nevertheless, some rule that one who sells gifts of the priesthood is exempt from payment (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:14; see *Shulḥan Arukh*, *Yoreh De'a* 61:31).

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לְמַאי? לָאו לְהוֹצִיאָן בְּדַיָּינִין?! לָא, לִכְדְתָנֵי: לְמָה אָמְרוּ נִכְסֵי כֹהֵן – שֶׁקּוֹנֶה בָּהֶן עֲבָדִים וְקַרְקָעוֹת וּבְהֵמָה טְמֵאָה, וּבַעַל חוֹב נוֹטֵלָן בְּחוֹבוֹ, וְאִשָּׁה בִּכְתוּבָּתָהּ, וְסֵפֶר תּוֹרָה.

The Gemara explains the proof: **With regard to what** matter are these items considered the property of a priest? **Is it not with regard to extracting them with judges,** which would contradict the opinion of Rav Ḥisda? The Gemara responds: **No,** it is **with regard to that which we learned** in a mishna (*Bikkurim* 3:12): **To what** end did **they say** that these items are the **property of a priest?** It means **that** a priest may **purchase with them slaves and lands**[H] **and a non-kosher animal; and a lender takes them** as payment **of his debt; and** if the **wife** of a priest is divorced from him, she takes them as payment **of her marriage contract;**[B] **and** a priest may purchase **a Torah scroll** with them.

הַהוּא לְיָוָאָה דַּהֲוָה חָטֵף מַתְּנָתָא. אָתוּ אֲמַרוּ לֵיהּ לְרַב. אֲמַר לְהוּ: לָא מִסְתְּיֵיהּ דְּלָא שָׁקְלִינַן מִינֵּיהּ אֶלָּא מִיחְטַף נַמִי חָטֵיף?

§ The Gemara relates: There was **a certain Levite who would snatch gifts** of the priesthood from children who were delivering them to the priests on their fathers' behalf. **They came** and **told Rav** about this Levite. Rav **said to them: Is it not enough that** when he slaughters his own animals **we do not take** the gifts of the priesthood **from him, but he also snatches** gifts that are being delivered to priests?

וְרַב, אִי אִיקְרוּ ״עַם״ – מִשְׁקַל נַמִי לִשְׁקוֹל מִינַּיְיהוּ.

Rav's comment indicates that in his opinion there are grounds to take the gifts from Levites, but nevertheless they are not taken. The Gemara asks: **And** what does **Rav** maintain in this regard? **If** he maintains that Levites **are called** part of the **"people,"** then **let one take** the foreleg, the jaw, and the maw **from them as well,** as the verse states: "From the people, from them that perform a slaughter, whether it be ox or sheep, they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3).

אִי לָא אִיקְרוּ ״עַם״ – רַחֲמָנָא פָּטְרִינְהוּ! מְסַפְּקָא לֵיהּ אִי אִיקְרוּ ״עַם״ אִי לָא אִיקְרוּ ״עַם״.

And if they are not called part of the **people,** then **the Merciful One** has **exempted them** from giving those gifts, and there would be no grounds to take the gifts from them. The Gemara responds: Rav **is uncertain whether or not they are called** part of the **people.**[H] Therefore, he exempts the Levites from giving their own gifts, in accordance with the principle that the burden of proof rests upon the claimant.

HALAKHA

The property of a priest that he may purchase with them slaves and lands, etc. – נִכְסֵי כֹהֵן שֶׁקּוֹנֶה בָּהֶן עֲבָדִים וְקַרְקָעוֹת וכו׳: A priest may sell the gifts of the priesthood or give them as a gift, even to a gentile, as they have no sanctity. The same is true of a kosher blemished firstborn animal, whether it was born blemished or it later developed a blemish. Nowadays, a priest may sell even a live unblemished firstborn animal to an Israelite, as well as a live or slaughtered blemished firstborn animal. But a firstborn animal may not be sold in a butcher shop, nor may it be weighed in the usual manner of non-sacred meat. Rather, it must be weighed either against another piece of meat or against a tool (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:20 and *Sefer Korbanot*, *Hilkhot Bekhorot* 1:3; *Shulḥan Arukh*, *Yoreh De'a* 61:13, 306:6).

He is uncertain whether or not they are called part of the people – מְסַפְּקָא לֵיהּ אִי אִיקְרוּ עַם אִי לָא אִיקְרוּ עַם: It is uncertain whether or not Levites are obligated to give the gifts of the priesthood, and they are therefore exempt from this obligation. But if a priest took them from a Levite's possession, he is not required to return them. The Rema writes that some authorities disagree and rule that if the priest took them from the possession of a Levite, they must be returned to the Levite (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:8; *Shulḥan Arukh*, *Yoreh De'a* 61:23).

BACKGROUND

Marriage contract – כְּתוּבָּה: This is a legal document given by a husband to his wife upon their marriage, stating his obligations toward her during and after their marriage. The contract includes a lien on the husband's estate in the minimum amount of two hundred dinars for a virgin bride or one hundred dinars for other brides, payable if she is divorced or widowed. The guidelines for a marriage contract are provided by the Talmud, but its particular provisions are often based on local custom. In addition, the marriage contract may include individual stipulations agreed to by the husband and wife. The marriage contract gives the marriage halakhic legitimacy. Without one, the couple's relationship is considered licentious.

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יְתִיב רַב פַּפָּא וְקָאָמַר לָהּ לְהָא שְׁמַעְתָּא. אֵיתִיבֵיהּ רַב אִידִי בַּר אָבִין לְרַב פַּפָּא, אַרְבַּע מַתָּנוֹת עֲנִיִּים שֶׁבַּכֶּרֶם: הַפֵּרָט וְהָעוֹלֵלוֹת וְהַשִּׁכְחָה וְהַפֵּאָה. וְשָׁלֹשׁ שֶׁבַּתְּבוּאָה: הַלֶּקֶט וְהַשִּׁכְחָה וְהַפֵּאָה. שְׁנַיִם שֶׁבָּאִילָן: הַשִּׁכְחָה וְהַפֵּאָה.

The Gemara relates that **Rav Pappa was sitting and saying this *halakha*** in the name of Rav. **Rav Idi bar Avin raised an objection to Rav Pappa** from a *baraita*, with regard to the uncertainty of Rav: **Four gifts** are left **to the poor** from the produce **of a vineyard: The individual fallen** grapes [***peret***],[B] **and the incompletely formed clusters** of grapes [***olelot***],[B] **and the forgotten** clusters, **and *pe'a*. And three** gifts are left to the poor **from grain: The gleanings,** i.e., sheaves that fell during the harvest, **and the forgotten** sheaves, **and the *pe'a*. Two** gifts are left to the poor from the fruit **of a tree:**[H] **The forgotten** fruits **and the *pe'a*.**

כּוּלָּן אֵין בָּהֶם טוֹבַת הֲנָאָה לַבְּעָלִים, וַאֲפִילּוּ עָנִי שֶׁבְּיִשְׂרָאֵל מוֹצִיאִין מִיָּדוֹ.

The *baraita* elaborates: With regard to **all of** these gifts, **the owner** of the produce **does not have the benefit of discretion.**[NH] This is the benefit accrued from giving a gift to an individual of one's choice, e.g., giving *teruma* or tithes to whichever priest or Levite that one chooses. Instead, poor person who takes possession of these gifts becomes their rightful owner. **And even a poor person of Israel** who owns a vineyard, field, or tree must leave these gifts for all other poor people; and if he does not do so, **the court removes** them **from his possession.**

מַעְשַׂר עָנִי הַמְּתֻחָלֵק בְּתוֹךְ בֵּיתוֹ יֵשׁ בּוֹ טוֹבַת הֲנָאָה לַבְּעָלִים, וַאֲפִילּוּ עָנִי שֶׁבְּיִשְׂרָאֵל מוֹצִיאִין אוֹתוֹ מִיָּדוֹ. וּשְׁאָר מַתָּנוֹת כְּהוּנָּה, כְּגוֹן הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה – אֵין מוֹצִיאִין אוֹתָן מִיָּדוֹ לֹא מִכֹּהֵן לְכֹהֵן, וְלֹא מִלֵּוִי לְלֵוִי.

By contrast, with regard to the **poor man's tithe, which is distributed** from **within one's house,** unlike other gifts to the poor that are left in the field for them to take, **the owner has the benefit of discretion.**[H] **And even** in the case of **a poor person in Israel,** if he fails to separate the poor man's tithe from his produce, **the court removes it from his possession. And** with regard to **other gifts of the priesthood, such as the foreleg, and the jaw, and the maw,** the court **does not remove them, neither from a priest** to give **to** another **priest, nor from a Levite** to give **to** another **Levite.**

אַרְבַּע מַתָּנוֹת שֶׁבַּכֶּרֶם: הַפֵּרָט וְהָעוֹלֵלוֹת וְהַשִּׁכְחָה וְהַפֵּאָה, דִּכְתִיב: ״וְכַרְמְךָ לֹא תְעוֹלֵל וּפֶרֶט כַּרְמְךָ לֹא תְלַקֵּט״,

Before Rav Idi bar Avin explains his objection, the Gemara cites the sources for the *halakhot* of the *baraita*: The *baraita* teaches that **four gifts** are left to the poor from the produce **of a vineyard: The *peret*, and the *olelot*, and the forgotten** clusters, **and the *pe'a*, as it is written: "And you shall not glean** [***te'olel***] **your vineyard, neither shall you gather the fallen fruit** [***peret***] **of your vineyard;** you shall leave them for the poor and for the stranger" (Leviticus 19:10).

BACKGROUND

***Peret* – פֶּרֶט:** It is prohibited for the owner of a vineyard to collect individual fallen grapes during the harvest. Those grapes must be left for the poor (see Leviticus 19:10).

***Olelot* – עוֹלֵלוֹת:** *Olelot* are clusters of grapes that are not full. Commentaries explain that the word stems from the word *olel,* a small child. The Sages defined *olelot* as: Clusters that have no shoulder [*katef*], i.e., that are not full around the middle, and no *natef*, which some interpret as referring to grapes that dangle down at the bottom of the cluster (see Jerusalem Talmud, *Pe'a* 7:4).



Complete grape cluster with both a *katef* and a *natef*



Grape cluster with a *natef* but without a *katef*



Grape cluster without a *natef*

NOTES

Benefit of discretion – טוֹבַת הֲנָאָה: The early commentaries disagree with regard to the type of benefit referred to here. Some explain that the *baraita* is referring to the gratitude a poor person feels toward the owner for choosing to give the gifts to him (Rabbeinu Ḥananel on *Pesaḥim* 46b; *Arukh*; *Shita Mekubbetzet* on *Nedarim* 36b, citing Rabbi Eliyahu Mizraḥi). Others maintain that the *baraita* is referring to the owner's acceptance of a small fee from someone who desires that the gifts be given to particular individuals and is willing to pay to that end (Rashi; Rabbeinu Gershom Meor HaGola; *Tosafot* on *Nedarim* 36b). The Sages disagree over whether or not the benefit of discretion is considered the asset of the owner. There are various halakhic ramifications of this inquiry, e.g., whether a thief must pay double the amount of the benefit of discretion if he steals untithed produce of an Israelite, and whether a man may betroth a woman with it (*Nedarim* 84b–85a).

HALAKHA

Four gifts are left to the poor from the produce of a vineyard… and three from grain… two from the fruit of a tree – אַרְבַּע מַתָּנוֹת עֲנִיִּים שֶׁבַּכֶּרֶם...וְשָׁלֹשׁ שֶׁבַּתְּבוּאָה...שְׁנַיִם שֶׁבָּאִילָן: Four gifts are left for the poor in a vineyard: *Peret*, *olelot*, *pe'a*, and forgotten clusters of grapes. Three gifts are left from crops: Gleanings, forgotten sheaves, and *pe'a*. Two gifts are left to the poor from the fruit of trees: Forgotten fruits and *pe'a* (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 1:7).

With regard to all of these gifts the owner does not have the benefit of discretion – כּוּלָּן אֵין בָּהֶם טוֹבַת הֲנָאָה לַבְּעָלִים: *Peret* and *olelot* left from the harvest forgotten in a field may not be taken by their owner. If the owner transgressed this prohibition and took them, even if he processed them, they must be given to the poor, as the verse states that "it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:19). Accordingly, these are prohibitions that can be rectified by a positive mitzva, and therefore the transgressor must fulfill that positive mitzva. If one fails to fulfill the positive mitzva, he is liable to receive lashes. Similarly, the owner does not have the benefit of discretion with regard to poor man's tithe that is distributed on the threshing floor, and the poor may take it from him against his will. Even if the owner of the field is himself a poor person, these gifts are removed from his possession (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 1:5, 6:10).

With regard to the poor man's tithe which is distributed from within one's house the owner has the benefit of discretion – מַעְשַׂר עָנִי הַמְּתֻחָלֵק בְּתוֹךְ בֵּיתוֹ יֵשׁ בּוֹ טוֹבַת הֲנָאָה לַבְּעָלִים: The owner has the benefit of discretion with regard to poor man's tithe, which is distributed from inside one's house, and he may therefore give it to a poor man of his choosing (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 6:10).

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וּכְתִיב: ״כִּי תִבְצֹר כַּרְמְךָ לֹא תְעוֹלֵל אַחֲרֶיךָ״, אָמַר רַבִּי לֵוִי: ״אַחֲרֶיךָ״ – זוֹ שִׁכְחָה,

And it **is** also **written: "When you gather the grapes of your vineyard, you shall not glean it** [*te'olel*] **after you;** it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:21). And **Rabbi Levi says** that with regard to the term **"after you," this** is a reference to **forgotten** clusters, as the *halakha* is that clusters that were passed over by the harvester have the status of forgotten clusters, whereas those that remain in front of him do not have that status.

פֵּאָה – גָּמַר ״אַחֲרֶיךָ״ ״אַחֲרֶיךָ״ מִזַּיִת, דִּכְתִיב: ״כִּי תַחְבֹּט זֵיתְךָ לֹא תְפַאֵר אַחֲרֶיךָ״, וְתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: שֶׁלֹּא תְּטוֹל תִּפְאַרְתּוֹ מִמֶּנּוּ.

The *halakha* that the mitzva of ***pe'a*** applies to one's vineyard is **derived** by a verbal analogy between the term **"after you"** in that verse and the term **"after you" from** another verse concerning **an olive** tree. **As it is written: "When you beat your olive tree, you shall not go over the boughs** [*tefa'er*] **after you;** it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:20); **and the school of Rabbi Yishmael taught** that the term "You shall not go over the boughs" means **that you should not take** all of **its splendor** [*tiferet*] **from it;** rather, you should leave a portion of the olives for the poor. So too, one must leave a portion of one's vineyard as *pe'a* for the poor.

שְׁלֹשָׁה שֶׁבַּתְּבוּאָה: הַלֶּקֶט,

The Gemara continues: The *baraita* teaches that **three** gifts are left to the poor **from grain: The gleanings,**

Perek **X**
Daf **131** Amud **b**

הַשִּׁכְחָה וְהַפֵּאָה, דִּכְתִיב ״וּבְקֻצְרְכֶם אֶת קְצִיר אַרְצְכֶם לֹא תְכַלֶּה פְּאַת שָׂדְךָ בְּקֻצְרֶךָ וְלֶקֶט קְצִירְךָ״ וגו׳. ״כִּי תְקַצֹּר קְצִירְךָ בְשָׂדֶךָ וְשָׁכַחְתָּ עֹמֶר בַּשָּׂדֶה״.

and the forgotten sheaves, **and the *pe'a*. As it is written: "And when you reap the harvest of your land, you shall not wholly reap the corner of** [*pe'at*] **your field,** neither shall you gather **the gleaning of your harvest;** you shall leave them for the poor, and for the stranger" (Leviticus 23:22). And it is also written: **"When you reap your harvest in your field and have forgotten a sheaf in the field,** you shall not go back to fetch it; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:19).

שְׁנַיִם שֶׁבָּאִילָן: הַשִּׁכְחָה וְהַפֵּאָה, דִּכְתִיב ״כִּי תַחְבֹּט זֵיתְךָ לֹא תְפַאֵר אַחֲרֶיךָ״, וְתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: שֶׁלֹּא תְּטוֹל תִּפְאַרְתּוֹ מִמֶּנּוּ. ״אַחֲרֶיךָ״ – זֶה שִׁכְחָה.

The *baraita* taught that **two** gifts are left to the poor **from** the produce **of a tree: The forgotten** fruits **and the *pe'a*, as it is written: "When you beat your olive tree, you shall not go over the boughs** [*tefa'er*] **after you;** it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:20), **and the school of Rabbi Yishmael taught** that the phrase: "You shall not go over the boughs," means **that you should not take** all of **its splendor** [*tiferet*] **from it;** rather, you should leave a portion of the olives for the poor as *pe'a*. Additionally, when the verse states: **"After you," this** is a reference to **forgotten** fruits.

״וְכוּלָּן אֵין בָּהֶן טוֹבַת הֲנָאָה לַבְּעָלִים״. מַאי טַעֲמָא? ״עֲזִיבָה״ כְּתִיבָא בְּהוּ.

The Gemara continues its analysis of the *baraita*. **And** with regard to **all of** the gifts left to the poor, **the owner** of the produce **does not have the benefit of discretion,** i.e., the right to distribute the gifts to poor people of his choosing. Instead, any poor person who takes possession of these gifts becomes their rightful owner. **What is the reason** for this *halakha*? It is because the requirement of **leaving is written with regard to them,** e.g., in the verse that states: "You shall leave them" (Leviticus 23:22).

״וַאֲפִילּוּ עָנִי שֶׁבְּיִשְׂרָאֵל מוֹצִיאִין אוֹתוֹ מִיָּדוֹ״ – דִּכְתִיב ״וְלֶקֶט קְצִירְךָ לֹא תְלַקֵּט לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם״ – לְהַזְהִיר עָנִי עַל שֶׁלּוֹ.

The *baraita* also stated: **And even a poor person of Israel** who owns a vineyard, field, or tree must leave these gifts for all poor people, and if he does not, **the court removes** them **from his possession.** This is derived from a verse, **as it is written: "Neither the gleaning of your harvest shall you gather; for the poor you shall leave them, and for the stranger"** (Leviticus 23:22). Since the verse juxtaposes the words "the poor" to the mitzva in the previous clause, this serves **to warn a poor person** that he must also separate these gifts from **his own** produce.

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״וּמַעֲשֵׂר עָנִי הַמִּתְחַלֵּק בְּתוֹךְ הַבַּיִת יֵשׁ בּוֹ טוֹבַת הֲנָאָה לַבְּעָלִים״. מַאי טַעְמָא? ״נְתִינָה״ כְּתִיבָא בֵּיהּ.

And the *baraita* teaches with regard to the **poor man's tithe that is distributed** from **within his house** that **the owner has the benefit of discretion.** The Gemara asks: **What is the reason** for this *halakha*? It is because the requirement of **giving is written with regard to it,** as the verse states: "When you have made an end of tithing all the tithe of your increase in the third year, which is the year of tithing, and you shall give it to the Levite, to the stranger, to the fatherless, and to the widow, that they may eat within your gates, and be satisfied" (Deuteronomy 26:12). Consequently, in this case it is not left for the poor but is actively given to them.

״וַאֲפִילּוּ עָנִי שֶׁבְּיִשְׂרָאֵל מוֹצִיאִין אוֹתוֹ מִיָּדוֹ״ – דַּאֲמַר רַבִּי אִילְעָא: גְּמַר ״לַגֵּר״ ״לַגֵּר״ מֵהָתָם, מַה לְהַלָּן – מִּוְזָהָר עָנִי עַל שֶׁלּוֹ, אַף כָּאן – מִּוְזָהָר עָנִי עַל שֶׁלּוֹ.

The *baraita* states: **And even** in the case of **a poor person in Israel,** if he fails to separate the poor man's tithe from his produce, **the court removes it from his possession.** The Gemara explains that this is **as Rabbi Ile'a said:** This is **derived** from a verbal analogy between the term **"to the stranger"** stated with regard to the poor man's tithe in the verse cited previously, and the term **"to the stranger" from there,** the mitzva to leave gleanings for the poor. **Just as there,** with regard to the mitzva to leave gleanings, **a poor person is warned that** he must leave gleanings from the produce of **his own** fields, **so too here,** with regard to the mitzva to separate the poor man's tithe, **a poor person is warned to** separate it from **his own** fields.

״וּשְׁאָר מַתָּנוֹת כְּהוּנָּה כְּגוֹן הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה אֵין מוֹצִיאִין אוֹתָן לֹא מִכֹּהֵן לְכֹהֵן וְלֹא מִלֵּוִי לְלֵוִי״ – הָא מִלֵּוִי לְכֹהֵן מוֹצִיאִין, אַלְמָא אִיקְּרוּ ״עַם״!

The *baraita* taught: **And** with regard to **other gifts of the priesthood, such as the foreleg, and the jaw, and the maw,** the court **does not remove them, neither from a priest** to give **to** another **priest nor from a Levite** to give **to** another **Levite.** Rav Idi bar Avin now explains his objection: It may be inferred that the court does **remove** the gifts **from a Levite** to give **to a priest. Evidently,** Levites **are called** part of the **"people."** Accordingly, since the verse states: "And this shall be the priests' due from the people" (Deuteronomy 18:3), the gifts of the priesthood may be removed from the possession of Levites. Why, then, was Rav uncertain with regard to their status?

כְּגוֹן הַזְּרוֹעַ, וְלֹא זְרוֹעַ, וּמַאי נִיהוּ – מַעֲשֵׂר רִאשׁוֹן.

The Gemara responds: The *baraita* is not referring to the actual gifts of the foreleg, the jaw, and the maw themselves. Rather, it is referring to a gift that is **like the foreleg,** the jaw, and the maw, **but not** the **foreleg,** the jaw, and the maw themselves. **And what is this?** It is the **first tithe.**

מַעֲשֵׂר רִאשׁוֹן, דְּלֵוִי הוּא! כְּרַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה, דְּתַנְיָא: תְּרוּמָה – לַכֹּהֵן, מַעֲשֵׂר רִאשׁוֹן – לַלֵּוִי, דִּבְרֵי רַבִּי עֲקִיבָא. רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר: אַף לַכֹּהֵן.

The Gemara asks: But the **first tithe is** given **to** the **Levite.** Why would it be removed from his possession? The Gemara responds: The *baraita* is **in accordance with** the opinion of **Rabbi Elazar ben Azarya, as it is taught** in another *baraita*: ***Teruma*** is given **to the priest,** whereas the **first tithe** is given **to the Levite;**[H] this is **the statement of Rabbi Akiva. Rabbi Elazar ben Azarya says:** The first tithe is given **to the priest as well,** despite the fact that the Torah states that it is given to the Levite, as priests are often called Levites in the Torah.

אֵימַר דַּאֲמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אַף לַכֹּהֵן, לַכֹּהֵן וְלֹא לַלֵּוִי מִי אֲמַר? אִין, לְבָתַר דְּקָנְסִינְהוּ עֶזְרָא.

The Gemara asks: **Say that Rabbi Elazar ben Azarya said** that the first tithe is given **to the priest as well;** but **did he say** that it is given exclusively **to the priest and not to the Levite?** The Gemara responds: **Yes;** although generally the first tithe is not removed from the possession of a Levite and given to a priest, the *baraita* is referring **to** first tithe in the period **after Ezra penalized** the Levites[H] for their unwillingness to return to Eretz Yisrael from Babylonia, as he decreed that they should no longer be given the first tithe.

אֵימַר דְּקָנְסִינְהוּ עֶזְרָא – דְּלָא יָהֲבִינַן לְהוּ, מִשְׁקַל מִינַּיְיהוּ מִי אֲמַר? אֶלָּא, כְּגוֹן זְרוֹעַ וְלֹא זְרוֹעַ, וּמַאי נִיהוּ – רֵאשִׁית הַגֵּז.

The Gemara persists: One can **say that Ezra penalized them** and decreed **that we should not give them** first tithe, but **did he say** that first tithe should even be **taken from them** and given to the priests? **Rather,** explain instead that the *baraita* is referring to a gift that is **like** the **foreleg,** the jaw, and the maw, **but** is **not** actually the **foreleg,** the jaw, or the maw. **And what is this?** It is **the first sheared** wool, with regard to which the verse states: "And the first of the fleece of your sheep, you shall give him" (Deuteronomy 18:4). Since the verse does not state that the first fleece is taken from the "people," even Levites are obligated to give their first shearing to the priest, and it may be removed from their possession to that end.

HALAKHA

Teruma is given to the priest whereas first tithe is given to the Levite – תְּרוּמָה לַכֹּהֵן מַעֲשֵׂר רִאשׁוֹן לַלֵּוִי: This is the procedure for separating *teruma* and tithes: After one harvests his field or gathers the fruit of his trees, he separates one-fiftieth of his produce as *teruma gedola*, which he gives to a priest. One-fiftieth is the amount determined by the Sages as a standard proportion; by Torah law, even one kernel of wheat exempts the entire pile from *teruma* (Radbaz). Afterward, he separates one-tenth of the remaining crop. This is called first tithe, and it is given to the Levites (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 6:2, and see 6:1).

Did he say that it is given to the priest and not to the Levite…after Ezra penalized the Levites – לַכֹּהֵן וְלֹא לַלֵּוִי מִי אֲמַר...לְבָתַר דְּקָנְסִינְהוּ עֶזְרָא: Since the Levites chose not to ascend with Ezra to Eretz Yisrael, Ezra penalized them and decreed that they should not be given the first tithe. Instead, the priests receive it (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser* 1:4).

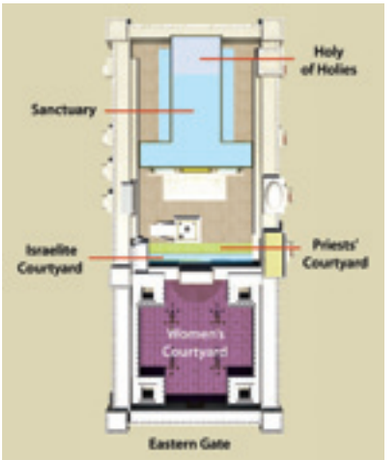
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BACKGROUND

Tent of Meeting – אֹהֶל מוֹעֵד: The Tent of Meeting is another name for the Tabernacle (see Exodus 27:21). The name is based on the fact that this was the location where man encountered the divine. In the wilderness, it was the principal place of God's communications to Moses.

NOTES

He shall make atonement, this is referring to the Temple courtyards – יְכַפֵּר אֵלּוּ עֲזָרוֹת:



Courtyards of the Temple

תָּא שְׁמַע, זֶה הַכְּלָל: כָּל דָּבָר שֶׁהוּא בְּקָדוּשָּׁה, כְּגוֹן תְּרוּמָה וּתְרוּמַת מַעֲשֵׂר וְחַלָּה – מוֹצִיאִין אוֹתָן מִיָּדָם. וְכָל דָּבָר שֶׁאֵינוֹ בְּקָדוּשָּׁה, כְּגוֹן הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה – אֵין מוֹצִיאִין אוֹתוֹ מִיָּדָם!

The Gemara suggests: **Come** and **hear** a proof with regard to the uncertainty of Rav from a *baraita*. **This is the principle:** With regard to **any item that is of sanctity,** i.e., that may not be consumed by a non-priest, **such as *teruma*, and *teruma* of the tithe, and *ḥalla*,** the court **removes it from the possession** of a Levite in order to give it to the priests. **And** with regard to **any item that is not of sanctity, such as the foreleg, and the jaw, and the maw,** which are given from a non-sacred animal, the court **does not remove it from the possession** of the Levites to give to the priests. Evidently, Levites are not called part of the "people," and therefore they are exempt from giving the foreleg, the jaw, and the maw.

כְּגוֹן זְרוֹעַ וְלֹא זְרוֹעַ, וּמַאי נִיהוּ – מַעֲשֵׂר רִאשׁוֹן, וּלְבָתַר דְּקָנְסִינְהוּ עֶזְרָא.

The Gemara rejects this proof: The *baraita* is referring to a gift that is **like** the **foreleg,** the jaw, and the maw, **but** is **not** actually the **foreleg,** the jaw, and the maw themselves. **And what is this?** It is **first tithe, and** the *baraita* is dealing with first tithe in the period **after Ezra penalized** the Levites and decreed that the first tithe should be given to the priests rather than the Levites. Nevertheless, if a Levite received the first tithe it may not be removed from his possession, since this penalty was not included in Ezra's decree.

תָּא שְׁמַע: הַשּׁוֹחֵט לַכֹּהֵן וְלַגּוֹי – פָּטוּר מִן הַמַּתָּנוֹת. הָא לַלֵּוִי וּלְיִשְׂרָאֵל חַיָּיב! לָא תֵּימָא: הָא לַלֵּוִי וּלְיִשְׂרָאֵל חַיָּיב, אֶלָּא אֵימָא: הָא לְיִשְׂרָאֵל חַיָּיב.

The Gemara further suggests: **Come** and **hear** a proof from a *baraita*: An Israelite **who slaughters** an animal **for a priest or for a gentile** is **exempt from** giving **the gifts,** as priests and gentiles are exempt from this obligation. The Gemara infers: This indicates that if an Israelite slaughtered an animal **for a Levite or for an Israelite,** he is **obligated** to give the gifts, and they may be removed from his possession to that end. Evidently, Levites are called part of the "people," and Rav should not have been uncertain with regard to their status. The Gemara rejects this proof: **Do not say** that one should infer that if an Israelite slaughtered an animal **for a Levite or for an Israelite** he is **obligated** to give the gifts. **Rather, say** merely that if an Israelite slaughtered an animal **for** another **Israelite,** he is **obligated** to give the gifts.

אֲבָל לַלֵּוִי מַאי – פָּטוּר? אִי הָכִי, לִיתְנֵי ״הַשּׁוֹחֵט לַלֵּוִי וְלַגּוֹי פָּטוּר מִן הַמַּתָּנוֹת״! וְעוֹד, הָא תַּנְיָא: הַשּׁוֹחֵט לַכֹּהֵן וְלַגּוֹי – פָּטוּר מִן הַמַּתָּנוֹת, לַלֵּוִי וּלְיִשְׂרָאֵל – חַיָּיב, תְּיוּבְתָּא דְּרַב!

The Gemara asks: **But** if so, when one slaughters an animal **for a Levite, what** is the *halakha*? Is one **exempt? If so, let** the *baraita* **teach: One who slaughters** an animal **for a Levite or for a gentile** is **exempt from** giving **the gifts,** and it would be obvious that this is also the *halakha* when one slaughters for a priest. **And furthermore, isn't it taught** explicitly in a *baraita* that **one who slaughters for a priest or for a gentile** is **exempt from** giving **the gifts,** whereas one who slaughters **for a Levite or for an Israelite** is **obligated** to give the gifts? This *baraita* apparently constitutes **a conclusive refutation** of the uncertainty **of Rav.**

אָמַר לָךְ רַב: תַּנָּאֵי הִיא, דְּתַנְיָא: ״וְכִפֶּר אֶת מִקְדַּשׁ הַקֹּדֶשׁ״ – זֶה לִפְנִים, ״אֹהֶל מוֹעֵד״ – זֶה הֵיכָל, ״מִזְבֵּחַ״ – כְּמַשְׁמָעוֹ, ״יְכַפֵּר״ – אֵלּוּ עֲזָרוֹת, ״כֹּהֲנִים״ – כְּמַשְׁמָעוֹ, ״עַם הַקָּהָל״ – אֵלּוּ יִשְׂרָאֵל, ״יְכַפֵּר״ – אֵלּוּ הַלְוִיִּם.

The Gemara responds: **Rav** could **say to you** that although this *baraita* is in fact contrary to his opinion, the question of whether or not Levites are called part of the "people" **is** a dispute between ***tanna'im*. As it is taught** in a *baraita* that the verse states with regard to the Yom Kippur Temple service: "And he shall make atonement for the most holy place, and he shall make atonement for the Tent of Meeting and for the altar; and he shall make atonement for the priests and for all the people of the assembly" (Leviticus 16:33). The *baraita* explains: **"And he shall make atonement for the most holy place"; this** is referring to **the innermost sanctum,** i.e., the bull and goat offerings brought on Yom Kippur atone for ritual impurity occurring inside the Holy of Holies.

The *baraita* continues: **"Tent of Meeting";**[B] **this** is referring to the **Sanctuary,** i.e., the offerings atone for impurity occurring inside the Sanctuary. **"Altar";** this is understood **in accordance with its plain meaning,** i.e., the offerings atone for one who performs sacrificial rites on the altar in a state of ritual impurity. **"He shall make atonement"; this** is referring to the Temple **courtyards,**[N] i.e., the offerings atone for impurity occurring there. "For **the priests";** this is understood **in accordance with its plain meaning,** indicating that the offerings atone for a priest who unwittingly enters the courtyard while impure. "And for all the **people of the assembly"; these are the Israelites. "He shall make atonement"; this** is referring to **the Levites.**

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וְתַנְיָא אִידָךְ: ״יְכַפֵּר״ – אֵלּוּ עֲבָדִים, מַאי לָאו בְּהָא קָמִיפַּלְגִי, דְּמָר סָבַר אִיקְּרוּ ״עַם״, וּמָר סָבַר לָא אִיקְּרוּ ״עַם״.

And it is taught in **another** *baraita*: **“He shall make atonement”; this** is referring to Canaanite **slaves**[B] in the possession of Jews. These slaves are obligated in certain mitzvot and are therefore in need of atonement. The Gemara analyzes these sources: Why doesn’t the *tanna* of this *baraita* interpret the term “He shall make atonement” as a reference to Levites? **What, is it not** that **they disagree about this, as** one **Sage,** the *tanna* of the second *baraita*, **holds** that Levites are **called** part of the **“people”** and are therefore included in the clause “the people of the assembly,” and consequently, the term “he shall make atonement” is not required to include the Levites but instead serves to include Canaanite slaves. **And** by contrast, one **Sage,** the *tanna* of the first *baraita*, **holds** that **they are not called** part of the **“people,”** which means that the term “He shall make atonement” is required to include Levites.

וְרַב, אִי סְבִירָא לֵיהּ כְּהַאי תַּנָּא – לֵימָא, וְאִי סְבִירָא לֵיהּ כְּהַאי תַּנָּא – לֵימָא! מְסַפְּקָא לֵיהּ, אִי כְּהַאי תַּנָּא אִי כְּהַאי תַּנָּא.

The Gemara asks: **But** if this is a dispute between *tanna’im*, why is **Rav** uncertain with regard to the status of Levites? **If he holds in accordance with this *tanna*, let him say** that the *halakha* is in accordance with him, **and if he holds in accordance with that *tanna*, let him say** that the *halakha* is in accordance with him. The Gemara responds: Rav **is uncertain whether** the *halakha* is **in accordance with this *tanna* or in accordance with that *tanna*.**

דָּרֵשׁ מָרֵימָר: הִלְכְתָא כְּוָותֵיהּ דְּרַב, וְהִלְכְתָא כְּוָותֵיהּ דְּרַב חִסְדָּא.

Mareimar taught: The *halakha* is in accordance with the opinion of **Rav** that it is uncertain whether or not Levites are called part of the “people.” Consequently, the court may not compel Levites to give the foreleg, the jaw, and the maw to the priests. **And the *halakha* is in accordance with** the opinion **of Rav Ḥisda,** who said that one who damages or consumes gifts of the priesthood is exempt from payment.

עוּלָּא הֲוָה יָהֵיב מַתְּנָתָא לְכַהֲנְתָא. אֵיתִיבֵיהּ רָבָא לְעוּלָּא: מִנְחַת כֹּהֵנֶת – נֶאֱכֶלֶת, מִנְחַת כֹּהֵן – אֵינָהּ נֶאֱכֶלֶת.

§ With regard to the gifts of the priesthood, the Gemara relates that **Ulla would give gifts** of the priesthood **to a female priest,**[H] i.e., the daughter of a priest, even if she was married to an Israelite. **Rava raised an objection to** the practice of **Ulla** from a *baraita*: The remainder of **a meal offering of a female priest is consumed,**[H] just like the remainder of the meal offering of an Israelite. But the remainder of **a meal offering of a priest is not consumed,** as the verse states: “And every meal offering of the priest shall be wholly made to smoke; it shall not be eaten” (Leviticus 6:16).

וְאִי אָמַרְתְּ כֹּהֵן וְאַפִּילּוּ כֹּהֶנֶת, וְהָכְתִיב ״וְכָל מִנְחַת כֹּהֵן כָּלִיל תִּהְיֶה לֹּא תֵאָכֵל״! אֲמַר לֵיהּ: רַבִּי,

Rava explains his objection: **And if you say** that one may give gifts of **a priest even** to **a female priest,** because when the verse mentions a priest it is referring even to the daughter of a priest, **but isn’t it written: “And every meal offering of the priest shall be wholly made to smoke; it shall not be eaten”?** Why, then, is the remainder of a meal offering of the daughter of a priest consumed? Ulla **said to him** in response: **My teacher,**

BACKGROUND

Canaanite slave – עֶבֶד כְּנַעֲנִי: A Canaanite slave is any gentile slave purchased by a Jew (Leviticus 25:44–46). Such a slave must be immersed in a ritual bath, and, if male, circumcised. These acts signify a change in the slave’s status. Although he is not a Jew in all aspects, a Canaanite slave must observe all the Torah’s prohibitions and fulfill those positive mitzvot which are not time bound. In many respects Canaanite slaves are their masters’ property and may be sold and purchased like other possessions. Accordingly, a Canaanite slave serves his master for life and is inherited by his master’s heirs. Theoretically, his master can free him by handing him a bill of manumission, which is similar to a bill of divorce. Nevertheless, there is a positive mitzva not to free a Canaanite slave without compelling reasons. There is one exception to this principle: A master must set his slave free if he blinds the slave, knocks out his tooth, or damages any one of twenty-four other extremities.

HALAKHA

Ulla would give gifts to a female priest – עוּלָּא הֲוָה יָהֵיב מַתְּנָתָא לְכַהֲנְתָא: One may give the gifts of the priesthood to the daughter of a priest, even if she is married to an Israelite, as the gifts have no sanctity. This ruling is in accordance with the practice of Ulla, as well as the opinion of Rabbi Elazar ben Yaakov on 132a (Rambam *Sefer Zera’im*, *Hilkhot Bikkurim* 9:20; *Shulḥan Arukh*, *Yoreh De’a* 61:8).

The remainder of a meal offering of a female priest is consumed – מִנְחַת כֹּהֶנֶת נֶאֱכֶלֶת: With regard to the meal offering of the unmarried daughter of a priest (*Kesef Mishne*; see Ra’avad and *Leḥem Mishne*), a handful is removed from it in the manner of the meal offering of an Israelite, and its remainder is consumed (Rambam *Sefer Avoda*, *Hilkhot Ma’aseh HaKorbanot* 12:10).

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LANGUAGE

From your burden [*mitunakh*] – מִטּוּנָךְ: It was common for Torah scholars engaging in debate in the study halls to respond to their colleague's objections by saying: From your burden, i.e., from the very point which you raise as an objection to me, I shall respond and raise an objection to you (Rashi on *Rosh HaShana* 4a). Alternatively, the response means: From your burden, i.e., that which you seek to heave upon me, I shall heave upon you (Rashi on *Zevaḥim* 32b). Here Rashi explains that this term is derived from the Aramaic term *matu*, meaning to reach, i.e., we have reached you and responded to your objection.

PERSONALITIES

Rav Kahana – רַב כָּהֲנָא: Several Babylonian *amora'im* were known by the name Rav Kahana. One was a contemporary of Rav and Shmuel and a first-generation *amora*, another was a student of Rav and a second-generation *amora*, a third was the student of Rabba and a fourth-generation *amora*, and one was a student of Rav Zevid and a fifth- and sixth-generation *amora*. The Rav Kahana cited in this Gemara was not a priest, but his wife was the daughter of a priest.

NOTES

Partook of gifts of the priesthood on account of his wife – אָכַל בִּשְׁבִיל אִשְׁתּוֹ: The later commentaries ask: Considering that the gifts of the priesthood are meant for members of the priesthood and their daughters, how was it permitted for these Sages, who were Israelites, to partake of the gifts? Such consumption is effectively stealing and should be prohibited (*Ḥatam Sofer*). Some commentaries explain that there is no theft here, as an Israelite who marries the daughter of a priest acquires any rights that she may have to gifts of the priesthood (Maharam Schick).

HALAKHA

Rav Kahana partook of gifts of the priesthood on account of his wife – רַב כָּהֲנָא אָכַל בִּשְׁבִיל אִשְׁתּוֹ: A husband may partake of gifts of the priesthood on account of his wife. Similarly, one who gives gifts of the priesthood to the husband of the daughter of a priest has fulfilled his obligation to give the gifts (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:20; *Shulḥan Arukh*, *Yoreh De'a* 61:8).

מִטּוּנָךְ! ״אַהֲרֹן וּבָנָיו״ כְּתִיבִי בַּפָּרָשָׁה.

from your burden [***mitunakh***],[L] i.e., from that which you raise your objection, I can cite a proof for my practice: With regard to the meal offering of a priest, both **Aaron and his sons are written in the passage** discussing this offering: "And this is the law of the meal offering: The sons of Aaron shall offer it before the Lord, in front of the altar" (Leviticus 6:7). The verse emphasizes that these *halakhot* apply only to male priests and not to their daughters. This indicates that when the verse refers merely to priests, even their daughters are included. Accordingly, one may give gifts of the priesthood to the daughter of a priest.

דְּבֵי רַבִּי יִשְׁמָעֵאל תָּנָא: ״כֹּהֵן״, וְלֹא כֹּהֶנֶת, וְיִלְמוֹד סָתוּם מִן הַמְפוֹרָשׁ!

The Gemara cites the opinions of various *tanna'im* with regard to the practice of Ulla: **The school of Rabbi Yishmael taught:** Anywhere that the Torah mentions a priest with regard to gifts of the priesthood, it is referring specifically to **a priest and not a female priest, and** let one **derive** the meaning of **an unspecified** reference to a priest **from the explicit** verse that states with regard to meal offerings: "Aaron and his sons." This verse indicates that any reference to a priest excludes a priest's daughter.

דְּבֵי רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב תָּנָא: ״כֹּהֵן״, וַאֲפִילּוּ כֹּהֶנֶת – הֲוֵי מִיעוּט אַחַר מִיעוּט, וְאֵין מִיעוּט אַחַר מִיעוּט אֶלָּא לְרַבּוֹת.

The school of Rabbi Eliezer ben Yaakov taught: In general, the reference to a priest in a verse serves to exclude a priest's daughter. But when the verse mentions **a priest** with regard to gifts of the priesthood, it means to include **even a female priest.** This is because the verse mentions priests twice: "And this shall be the priests' due from the people, from them that perform a slaughter, whether it be ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). Since each reference to a priest excludes the daughter of a priest, this verse **is** a case of **a restrictive expression following a restrictive expression, and** there is a hermeneutical principle that **a restrictive expression following a restrictive expression** serves **only to amplify**[B] the *halakha* and include additional cases, in this instance, the daughter of a priest.

רַב כָּהֲנָא אָכַל בִּשְׁבִיל אִשְׁתּוֹ, רַב פַּפָּא אָכַל בִּשְׁבִיל אִשְׁתּוֹ, רַב יֵימָר אָכַל בִּשְׁבִיל אִשְׁתּוֹ, רַב אִידִי בַּר אָבִין אָכַל בִּשְׁבִיל אִשְׁתּוֹ.

The Gemara relates that **Rav Kahana,**[P] who was an Israelite, **partook** of gifts of the priesthood **on account of his wife,**[NH] who was the daughter of a priest. Similarly, **Rav Pappa partook** of gifts of the priesthood **on account of his wife, Rav Yeimar partook** of gifts **on account of his wife,** and **Rav Idi bar Avin partook** of them **on account of his wife.**

BACKGROUND

A restrictive expression following a restrictive expression serves only to amplify – אֵין מִיעוּט אַחַר מִיעוּט אֶלָּא לְרַבּוֹת: This hermeneutical principle is unrelated to the phenomenon in many languages that a double negative indicates a positive. The principle does not relate specifically to negative terms such as "but" or "only." Rather, it applies to restrictive phrases that limit the scope of a certain *halakha*.

In fact, this principle is closely related to another principle: Two verses that come for the same purpose do not teach. The meaning of that principle is that if a *halakha* is expressed by the Torah in one specific case, it may be assumed that the case was just an example, and one should therefore apply the *halakha* to other cases as well. But if the *halakha* is stated with regard to two different cases, this is an indication that it applies only in those two specific cases and should not be applied elsewhere. Accordingly, the principle: Two verses that come for the same purpose do not teach, means that if two verses teach the same *halakha*, that *halakha* is not applied to additional cases.

The principle: A restrictive expression following a restrictive expression comes only to amplify the *halakha*, follows a similar logic. If the Torah states a *halakha* and then writes a single restrictive expression with regard to that *halakha*, it is assumed that the expression serves to limit the scope of the *halakha*. But if there are two restrictive expressions, evidently the expressions do not come to limit the scope, as one such expression would suffice for that purpose. Rather, the fact that there are two such expressions indicates that they are merely examples of the *halakha*. Consequently, there is no reason to exclude those cases that would have been excluded had the restrictive expressions been understood as limiting the scope of the *halakha*. Based on this understanding, the principle applies only when the two restrictive expressions do not teach two different *halakhot*. In that case, both expressions would be necessary, and the logic of the principle would not apply (*Yad Malakhi*).

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אֲמַר רָבִינָא, אֲמַר לִי מָרֵימָר: הִלְכְתָא כְּוָותֵיהּ דְּרַב, וְהִלְכְתָא כְּוָותֵיהּ דְּרַב חִסְדָּא, וְהִלְכְתָא כְּוָותֵיהּ דְּעוּלָּא.

Ravina said: Mareimar said to me that **the *halakha*** is **in accordance with** the opinion **of Rav** that it is uncertain whether or not Levites are obligated to give the gifts of the priesthood, and consequently, gifts are not removed from their possession to be given to the priests. **And the *halakha*** is **in accordance with** the opinion **of Rav Ḥisda** that one who damages or consumes gifts of the priesthood is exempt from payment. **And the *halakha*** is **in accordance with** the opinion **of Ulla** that gifts of the priesthood may be given to the daughter of a priest.

וְהִלְכְתָא כְּוָותֵיהּ דְּרַב אַדָּא בַּר אַהֲבָה: לְוִיָּה שֶׁיָּלְדָה – בְּנָהּ פָּטוּר מֵחֲמֵשׁ סְלָעִים.

And in a case not previously discussed but related to the opinion of Ulla, **the *halakha*** is **in accordance with** the opinion **of Rav Adda bar Ahava** with regard to **a female Levite,** i.e., the daughter of a Levite, **who gave birth** to a firstborn boy, even if she is married to an Israelite, that **her son is exempt from** the obligation to give **five *sela*** [BH] to the priest for his redemption, as the child is considered the son of a Levite, and Levites are exempt from this obligation.

תָּנוּ רַבָּנַן: הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִים בַּכִּלְאַיִם וּבַכּוֹי. רַבִּי אֱלִיעֶזֶר אוֹמֵר: כִּלְאַיִם הַבָּא מִן הָעֵז וּמִן הָרָחֵל – חַיָּיב בִּמַּתָּנוֹת, מִן הַתַּיִּישׁ וּמִן הַצְּבִיָּה – פָּטוּר מִן הַמַּתָּנוֹת.

§ The Gemara cites a dispute with regard to the gifts of the foreleg, the jaw, and the maw. **The Sages taught** in a *baraita*: The obligation to give **the foreleg, the jaw, and the maw applies** even **to a hybrid** animal [B] **and to** the animal known as a ***koy*.** [BH] **Rabbi Eliezer says: A hybrid** that **results from** the mating of **a goat and a ewe** [B] **is obligated to** have **gifts** of the priesthood given from it, while a hybrid that results **from** the mating of **a goat and a doe** [H] **is exempt from** having **gifts** of the priesthood given from it. This is because the verse states with regard to gifts of the priesthood: "Whether it be an ox or sheep" (Deuteronomy 18:3), i.e., a domesticated animal, and a doe is not a domesticated animal.

מִכְּדֵי קָיְימָא לָן דִּלְעִנְיַן כִּסּוּי הַדָּם וּמַתָּנוֹת לָא מַשְׁכַּחַתְּ לֵיהּ אֶלָּא בִּצְבִי הַבָּא עַל הַתְּיָישָׁה, וּבֵין לְרַבִּי אֱלִיעֶזֶר בֵּין לְרַבָּנַן – מְסַפְּקָא לְהוּ אִי חוֹשְׁשִׁין לְזֶרַע הָאָב אִי אֵין חוֹשְׁשִׁין,

The Gemara asks: **Now, we maintain** (see 79b–80a) **with regard to** the mitzvot of **covering the blood and** giving the **gifts** of the priesthood that **you do not find** that Rabbi Eliezer and the Rabbis disagree **except in** the case of an animal born from **a deer that mates with a female goat.** [H] **And both Rabbi Eliezer and the Rabbis are uncertain whether one** needs **to be concerned with its paternity** when determining the species of a hybrid animal, which would mean that this animal is part domesticated and part undomesticated, or **whether one does not** need to be **concerned** with paternity and the species of an animal is determined entirely by the species of its mother, in which case it is a domesticated animal.

BACKGROUND

Five *sela* – חֲמֵשׁ סְלָעִים: The mitzva to redeem a firstborn son is mentioned in several places in the Torah (Exodus 13:2; Numbers 3:11–13, 44–51). Following the plague of the firstborn in Egypt, the Torah declares that a Jewish woman's firstborn son is sacred to God. The boy's father must therefore redeem him from a priest for a fixed sum of five *sela*. One whose father is a Levite or a priest, or one whose mother is the daughter of a Levite or a priest, is not subject to this mitzva. In addition, only children born by natural birth are redeemed; those born by caesarean section are excluded.

Hybrid animal – כִּלְאַיִם: The Torah prohibits crossbreeding different species of animals (Leviticus 19:19), a transgression punishable by lashes. It is nevertheless permitted to make use of the offspring of crossbreeding, e.g., a mule, which is the offspring of a female donkey and a horse. The *halakhot* of this prohibition are discussed in tractate *Kilayim*.

***Koy* – כּוֹי:** Many problems arise in trying to identify the *koy*. It is mentioned numerous times in the Mishna and the Gemara, not because it is a common animal, but because it is useful in discussions that explore the criteria and limits of the *halakhot* of domesticated versus undomesticated animals. As early as the mishnaic period, the Sages disagreed with regard to the identification of the *koy*. Some maintain that it is a hybrid born to a deer or another kosher wild animal and a goat.

According to many researchers, the *koy* is identified as the water buffalo. There are allusions to this identification in some medieval rabbinic sources. Others reject this idea and claim that water buffalo did not live in Eretz Yisrael during the time of the Mishna, when the *koy* was first mentioned. Others maintain that the *koy* is the mouflon, a subspecies of wild sheep, although there are a number of opinions as to the specific subspecies of mouflon it may be. There is also uncertainty with regard to both the origin of the term *koy* and its proper vocalization.



Water buffalo



Mouflon

Hybrid that results from a goat and a ewe – כִּלְאַיִם הַבָּא מִן הָעֵז וּמִן הָרָחֵל: The sheep, whose biological genus is *Ovis*, and the goat, whose genus is *Capra*, both belong to the biological family Bovidae and the Caprinae subfamily. Sheep have fifty-four chromosomes and goats have sixty, making it nearly impossible for them to interbreed and produce viable offspring. Nevertheless, even in modern times, rare cases of successful interbreeding have been reported.

HALAKHA

A female Levite who gave birth to a firstborn boy, her son is exempt from the obligation to give five *sela* – לְוִיָּה שֶׁיָּלְדָה בְּנָהּ פָּטוּר מֵחֲמֵשׁ סְלָעִים: The mitzva of redemption does not apply to the firstborn son of the daughter of a Levite who married an Israelite. This is because the obligation of redemption is dependent on the mother, as the verse states (Exodus 13:2): "Whatsoever opens the womb among the children of Israel" (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 11:10; *Shulḥan Arukh*, *Yoreh De'a* 305:18).

The obligation to give the foreleg, the jaw, and the maw applies even to a hybrid animal and to a *koy* – הַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִים בַּכִּלְאַיִם וּבַכּוֹי: The mitzva to give the gifts of the priesthood from an animal, i.e., the foreleg, the jaw, and the maw, applies even to the offspring of a goat and a ewe, as well as to a *koy* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 61:17).

From a goat and a doe – מִן הַתַּיִּישׁ וּמִן הַצְּבִיָּה: The owner of an animal born from a goat that mated with a doe is exempt from the obligation to give the priestly gifts, as it is uncertain whether one must be concerned about its paternity. Accordingly, the burden of proof that the obligation applies rests upon the priest (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 61:18).

In the case of an animal born from a deer that mates with a female goat – בִּצְבִי הַבָּא עַל הַתְּיָישָׁה: The owner of the offspring of a deer and a female goat is obligated to give half the priestly gifts, as such an animal is partially domesticated on account of its mother, and the term "sheep" (Deuteronomy 18:3) is interpreted as referring to animals that are even partially domesticated (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:5; *Shulḥan Arukh*, *Yoreh De'a* 61:18).

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וּבְשֶׂה – וַאֲפִילּוּ מְקֻצָּת שֶׂה, קָמִיפַּלְגִי. מָר סָבַר: ״שֶׂה״ – וַאֲפִילּוּ מְקֻצָּת שֶׂה, וּמָר סָבַר: ״שֶׂה״ וַאֲפִילּוּ מְקֻצָּת שֶׂה לָא אָמְרִינַן.

And they **disagree with regard to** whether the obligation of the gifts applies to **a sheep and even** an animal that is **partially a sheep,** i.e., partially domesticated. One **Sage,** the Rabbis, **holds** that the obligation applies to **a sheep and even** an animal that is **partially a sheep; and** one **Sage,** Rabbi Eliezer, **holds** that **we do not say** that the obligation applies to **a sheep and even** an animal that is **partially a sheep.**

בִּשְׁלָמָא רַבִּי אֱלִיעֶזֶר דְּפָטַר, קָסָבַר: ״שֶׂה״ וְלָא מְקֻצָּת שֶׂה, אֶלָּא לְרַבָּנַן, נְהִי נַמִּי דְּקָסְבְרִי ״שֶׂה״ וַאֲפִילּוּ מְקֻצָּת שֶׂה, פַּלְגָא לִשְׁקוֹל. וְאִידָךְ פַּלְגָא, לֵימָא לֵיהּ: אַיְיתֵי רְאָיָה דְּאֵין חוֹשְׁשִׁין לְוַרְעָא בָּאב, וּשְׁקוֹל! אֲמַר רַב הוּנָא בַּר חִיָּיא: מַאי ״חַיָּיב״ נַמִּי דְּקָא אָמַר – חַיָּיב בַּחֲצִי מַתָּנוֹת.

The Gemara concludes its question: **Granted,** it is understandable that **Rabbi Eliezer deems** the owner of a hybrid **exempt** from the mitzva to give the priestly gifts, as **he holds** that only in the case of **a sheep** is one obligated to give gifts of the priesthood, **but not** with regard to animals that are only **partially sheep. But according to** the opinion of **the Rabbis, though indeed they hold** that **sheep and even** animals that are **partially sheep** are subject to the obligation of giving gifts of the priesthood, **let** the priest **take** only **half** of the gifts. **And** with regard to **the other half, let** the owner of the animal **say to him: Bring proof that one** need **not be concerned with its paternity and** then you may **take** the other half. **Rav Huna bar Ḥiyya said** in response: **What** do the Rabbis mean **when they say** that the owner of this animal is **obligated?** They mean that he is **obligated in half of the gifts.**

מְתִיב רַבִּי זֵירָא: כּוֹי יֵשׁ בּוֹ דְּרָכִים שָׁוִין לַבְּהֵמָה, וְיֵשׁ בּוֹ דְּרָכִים שָׁוִין לַחַיָּה, וְיֵשׁ בּוֹ דְּרָכִים שָׁוִין לַחַיָּה וְלַבְּהֵמָה.

Rabbi Zeira raises an objection to this response from a *baraita*: In the case of **a *koy,*** with regard to which it is uncertain whether it is a domesticated animal or an undomesticated one, **there are ways** in which its *halakhot* **correspond to** those of **a domesticated animal, and there are ways** in which its *halakhot* **correspond to** those of **an undomesticated animal. And there are ways in** which its *halakhot* **correspond to** those of both **an undomesticated animal and a domesticated animal.**

כֵּיצַד: חֶלְבּוֹ אָסוּר – כְּחֵלֶב בְּהֵמָה, וְדָמוֹ חַיָּיב לְכַסּוֹת – כְּדַם הַחַיָּה. דְּרָכִים שָׁוִין לַבְּהֵמָה וְלַחַיָּה – שֶׁדָּמוֹ וְגִידוֹ אֲסוּרִין כִּבְהֵמָה וְחַיָּה, וְחַיָּיב בִּזְרוֹעַ וּלְחָיַיִם וְהַקֵּבָה. וְרַבִּי אֱלִיעֶזֶר פּוֹטֵר.

The *baraita* elaborates: **How so? Its fat is forbidden**[H] **like** the forbidden **fat** of **a domesticated animal,** unlike that of an undomesticated one. **And** one is **obligated to cover its blood**[H] from slaughter with dirt, **like the blood** of **an undomesticated animal.** And there are **ways** in which its *halakhot* **correspond to** both those of **a domesticated animal and an undomesticated animal, as its blood and its sciatic nerve are forbidden like** those of **a domesticated animal and an undomesticated animal.**[H] **And** its owner is **obligated** to give the **foreleg, the jaw, and the maw** from it to the priest, as in the case of domesticated animals. **And Rabbi Eliezer deems** the owner of a *koy* **exempt** from the mitzva to give the gifts.

וְאִם אִיתָא, ״חַיָּיב בַּחֲצִי מַתָּנוֹת״ מִבָּעֵי לֵיהּ! אַיְיתֵי דִּתְנָא חֶלְבּוֹ וְדָמוֹ דְּלָא מִתְנֵי חֲצִי חֲצִי, מִשּׁוּם הָכִי לָא קָא תָנֵי חֲצִי.

Rabbi Zeira asks: **And if it is so** that the Rabbis mean that the owner of a *koy* is obligated to give half of the gifts, then the *baraita* **should have** said that he is **obligated to** give **half of the gifts** from it. The Gemara responds: **Since** the *tanna* **taught** that **its fat and its blood** are forbidden, with regard to **which it** could **not teach** that **half** of its blood or **half** of its fat are forbidden, as it is impossible that half of it is forbidden while the other half is permitted, **due to that** reason the *tanna* **did not teach** that the owner of a *koy* is obligated in **half** of the gifts.

HALAKHA

Its fat is forbidden – חֶלְבּוֹ אָסוּר: The offspring of a kosher domesticated animal and a kosher undomesticated animal is called a *koy*. Its fat is forbidden, but one who consumed this forbidden fat is not liable to receive lashes (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:13; *Shulḥan Arukh*, *Yoreh De'a* 64:1).

And one is obligated to cover its blood – וְדָמוֹ חַיָּיב לְכַסּוֹת: The blood of the offspring of a domesticated animal and an undomesticated animal, as well as the blood of creatures with regard to which it is uncertain whether they are classified as domesticated or undomesticated, must be covered after their slaughter. One does not recite a blessing before covering their blood, because one does not recite a blessing in a case of uncertainty (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 1:13; *Shulḥan Arukh*, *Yoreh De'a* 28:3).

Forbidden like those of a domesticated animal and an undomesticated animal – אֲסוּרִין כִּבְהֵמָה וְחַיָּה: The prohibition against consuming the sciatic nerve applies to a *koy*, as stated in the *baraita* (*Shulḥan Arukh*, *Yoreh De'a* 65:6).

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כִּי אֲתָא רָבִין אֲמַר רַבִּי יוֹחָנָן: כּוֹי לְרַבָּנַן חַיָּיב בְּכוּלְּהוּ מַתָּנוֹת, דְּתַנְיָא: ״שׁוֹר״, מַה תַּלְמוּד לוֹמַר ״אִם שׁוֹר״ – לְרַבּוֹת אֶת הַכִּלְאַיִם. ״שֶׂה״, מַה תַּלְמוּד לוֹמַר ״אִם שֶׂה״ – לְרַבּוֹת אֶת הַכּוֹי.

The Gemara relates that **when Ravin came** from Eretz Yisrael to Babylonia, he said that **Rabbi Yoḥanan said: According to the Rabbis, a *koy* is obligated to** have **all of the gifts** of the priesthood given from it. **As it is taught** in a *baraita*: The verse states with regard to the gifts of the priesthood: "Whether it be an ox or sheep" (Deuteronomy 18:3). Since the verse needed to state only **"ox," why** must **the verse state: "Whether it be an ox"?** This phrase serves **to include a hybrid** in the obligation to give the gifts of the priesthood. And since the verse needed to state only **"sheep," why** must **the verse state: "Or sheep"?** This phrase serves **to include the *koy*** in the obligation to give the gifts.

וְרַבִּי אֱלִיעֶזֶר, הַאי ״אִם״ לָמָּה לִי? מִיבָּעֵי לֵיהּ לְחַלֵּק. וְרַבָּנַן לְחַלֵּק מְנָא לְהוּ? נָפְקָא לְהוּ ״מֵאֵת זִבְחֵי הַזֶּבַח״.

The Gemara asks: **And** according to the opinion of **Rabbi Eliezer,** who deems the owners of a *koy* and the offspring of a hybrid exempt from giving gifts of the priesthood from these animals, **why do I** need **this** phrase: "**Whether** it be an ox or sheep"? The Gemara responds: **He requires it to divide** between an ox and a sheep, indicating that one is obligated with regard to either animal alone. Were it not for this phrase, one might have concluded that he is obligated to give the gifts only after slaughtering both an ox and a sheep. The Gemara asks: **And the Rabbis,** who derive other *halakhot* from this phrase, **from where do they** derive **to divide** between an ox and a sheep? The Gemara responds: **They derive it** from the phrase: "**From them that perform a slaughter**" (Deuteronomy 18:3), which indicates that the obligation to give the gifts applies even to one animal.

וְרַבִּי אֱלִיעֶזֶר הַאי ״מֵאֵת זִבְחֵי הַזֶּבַח״ מַאי עֲבִיד לֵיהּ? מְבָעֵי לֵיהּ לְכִדְרָבָא, דַּאֲמַר רָבָא: הַדִּין – עִם הַטַּבָּח.

The Gemara asks: **And Rabbi Eliezer, what does he do with this** phrase: "**From them that perform a slaughter,**" i.e., what does he derive from it? The Gemara responds: **He requires it for** a statement **of Rava, as Rava said:** If a priest seeks to claim gifts of the priesthood in court, the priest issues his **demand with the butcher,** even if the animal itself belongs to another individual.

מתני׳ בְּכוֹר שֶׁנִּתְעָרֵב בְּמֵאָה, בְּזִמַּן שֶׁמֵּאָה שׁוֹחֲטִין אֶת כּוּלָּן – פּוֹטְרִים אֶת כּוּלָּן. אֶחָד שׁוֹחֵט אֶת כּוּלָּן – פּוֹטְרִים לוֹ אֶחָד.

MISHNA With regard to a blemished **firstborn** animal, which one may slaughter and eat without being required to give the foreleg, jaw, and maw to the priest, **that was intermingled with one hundred**[H] non-sacred animals, from which one is required to give those gifts, in a case **when one hundred** different people **slaughter all of them,** each slaughtering one animal, one **exempts them all** from giving the gifts, as each could claim that the animal that he slaughtered was the firstborn. If **one** person **slaughtered them all,** one **exempts one** of the animals **for him.**

הַשּׁוֹחֵט לַכֹּהֵן וְלַגּוֹי – פָּטוּר מִן הַמַּתָּנוֹת, וְהַמִּשְׁתַּתֵּף עִמָּהֶן – צָרִיךְ שֶׁיְּרַשֵּׁם. וְאִם אָמַר, ״חוּץ מִן הַמַּתָּנוֹת״ – פָּטוּר מִן הַמַּתָּנוֹת.

One who slaughters the animal of a priest **for the priest or** the animal of a gentile **for the gentile**[H] **is exempt from** the obligation to give **the gifts** of the foreleg, the jaw, and the maw. **And** an Israelite **who enters into partnership with** a priest or a gentile[H] **must mark** the animal to indicate that it is jointly owned and exempt from the obligation to give the gifts. **And if** a priest sold his animal to an Israelite and **said:** The animal is sold **except for the gifts** with it, the Israelite is **exempt from** the obligation to give **the gifts,** as they are not his.

HALAKHA

A firstborn that was intermingled with one hundred – בְּכוֹר שֶׁנִּתְעָרֵב בְּמֵאָה: In the case of a firstborn animal that was given to a priest in a blemished state, and the priest then sold it to an Israelite, and the animal became intermingled with other animals, the *halakha* is as follows: If multiple people slaughter those animals, each individual is exempt from giving the gifts, since all of them can claim that his animal is the firstborn. If one person slaughters all of them, the exemption applies to only one animal. This ruling is in accordance with Rav Oshaya's explanation of the mishna on 132b (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:4; *Shulḥan Arukh*, *Yoreh De'a* 61:20).

One who slaughters for the priest or for the gentile – הַשּׁוֹחֵט לַכֹּהֵן וְלַגּוֹי: One who slaughters an animal for a priest or for a gentile is exempt from the obligation to give the gifts of the priesthood (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:10; *Shulḥan Arukh*, *Yoreh De'a* 61:25).

And an Israelite who enters into partnership with a priest or a gentile – וְהַמִּשְׁתַּתֵּף עִמָּהֶן: One who enters into partnership with a priest with regard to the ownership of an animal must mark his portion of the animal, so that the gifts are in the portion of the priest. If he does not do so, he is obligated to give the gifts, as others might be unaware of his partnership with the priest, and might conclude that giving the gifts in general is not obligatory (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:10; *Shulḥan Arukh*, *Yoreh De'a* 61:25).

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HALAKHA

If he said, sell me the innards of a cow and there were gifts with it…if he bought the innards from the slaughterer by weight – אָמַר מְכוֹר לִי בְּנֵי מֵעָיָה שֶׁל פָּרָה וְהָיוּ בָהֶן מַתָּנוֹת...לְקָחָן הֵימֶנּוּ בְּמִשְׁקָל: If one said to a butcher: Sell me the innards of this cow, he must give the gifts to the priest and does not deduct their value from the price paid to the butcher. If he purchased the innards by weight, he gives the gifts to the priest and deducts their value from the price (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:15; *Shulḥan Arukh*, *Yoreh De'a* 61:32).

אָמַר ״מְכוֹר לִי בְּנֵי מֵעָיָה שֶׁל פָּרָה״, וְהָיוּ בָהֶן מַתָּנוֹת – נוֹתְנָן לַכֹּהֵן, וְאֵינוֹ מְנַכֶּה לוֹ מִן הַדָּמִים. לְקָחָן הֵימֶנּוּ בְּמִשְׁקָל – נוֹתְנָן לַכֹּהֵן, וּמְנַכֶּה לוֹ מִן הַדָּמִים.

If the Israelite **said** to the one slaughtering the animal: **Sell me the innards of a cow, and there were gifts** included **with it,** i.e., the maw, the purchaser **gives them to the priest and he does not deduct** the value of the gifts **from the money** that he pays **him.** If **he bought** the innards **from** the slaughterer **by weight,**[H] the purchaser **gives** the gifts, i.e., the maw, **to the priest and deducts** the value of the gifts **from the money** that he pays **him.**

גמ׳ וְאַמַּאי? יָבֹא עָלָיו כֹּהֵן מִשְּׁנֵי צְדָדִין, וְלֵימָא לֵיהּ: אִי בְּכוֹר הוּא – כּוּלֵּיהּ דִּידִי הוּא, וְאִי לָאו בְּכוֹר הוּא – הַב לִי מַתָּנָתַאי!

GEMARA The mishna teaches that if a firstborn animal was intermingled with one hundred non-sacred animals, each belonging to a different person, all of the animals are excluded from the obligation to give the gifts, due to the uncertainty of which animal is the firstborn. The Gemara asks: **But why** is this the *halakha*? **Let the priest come upon** each slaughterer with a claim **from two sides,** i.e., **let** the priest **say to him: If** this animal **is a firstborn, it is completely mine; and if it is not a firstborn** but is instead a non-sacred animal, then **give me my gifts.**

Perek **X**
Daf **132** Amud **b**

NOTES

Even a butcher who is a priest is included – אֲפִילּוּ טַבָּח כֹּהֵן בְּמַשְׁמַע: Some commentaries explain that this derivation applies only to a priest who slaughters the animals of an Israelite, as by Torah law a priest is always exempt from separating gifts from his own animals. The Sages obligated a priest who slaughters and sells his animal to separate gifts of the priesthood (*Tosafot*).

LANGUAGE

Host [*ushpizikhnei*] – אוּשְׁפִּיזִיכְנֵיהּ: From the Middle Persian aspanjakan, meaning host.

אָמַר רַב אוֹשַׁעְיָא: בְּבָא לִידֵי כֹּהֵן, וּמְכָרוֹ לְיִשְׂרָאֵל בְּמוּמוֹ.

Rav Oshaya says in response: In general, a priest may issue such a claim. But the mishna is dealing with a case **where** the firstborn **came into the possession of** the **priest** when it was unblemished and thereafter it developed a permanent blemish, **and** the priest **sold it to an Israelite in its blemished** state. In such a case, the priest may not demand that the owner give him the entire animal with the claim that it is a firstborn, as he already received it once as a firstborn.

״הַשּׁוֹחֵט לַכֹּהֵן וְלַגּוֹי פָּטוּר מִן הַמַּתָּנוֹת״. וְלִיתְנֵי: כֹּהֵן וְגוֹי פְּטוּרִין מִן הַמַּתָּנוֹת! אָמַר רָבָא, זֹאת אוֹמֶרֶת: הַדִּין עִם הַטַּבָּח.

§ The mishna teaches that **one who slaughters** the animal of a priest **for the priest or** the animal of a gentile **for the gentile is exempt from** the obligation to give **the gifts** of the foreleg, the jaw, and the maw. The Gemara suggests: **And let** the *tanna* simply **teach** that **a priest and a gentile are exempt from** the obligation to give **the gifts. Rava says** in explanation: **That is to say,** i.e., the wording of the mishna indicates, that **the demand** of a priest who seeks to claim gifts of the priesthood is **with the butcher,** not with the owner of the animal. Even if the butcher is himself a priest, if he slaughters an animal on behalf of an Israelite he is obligated to give the gifts.

דָּרַשׁ רָבָא: ״מֵאֵת הָעָם״ – וְלֹא מֵאֵת הַכֹּהֲנִים, כְּשֶׁהוּא אוֹמֵר ״מֵאֵת זֹבְחֵי הַזֶּבַח״ הֲרֵי אוֹמֵר: אֲפִילּוּ טַבָּח כֹּהֵן בְּמַשְׁמַע.

The Gemara adds: **Rava** also **interpreted** the verse in such a manner. The verse states: "This shall be the priests' due from the people, from them that perform a slaughter, whether it be ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). The verse specifies that the gifts are taken "**from the people," and not from the priests. When** the verse **states: "From them that perform a slaughter,"** indicating that the gifts are given by anyone who slaughters an animal, **you must say** that this teaches that **even a butcher** who is **a priest is included**[N] in the obligation to give the gifts.

אוּשְׁפִּיזִיכְנֵיהּ דְּרַבִּי טַבְלָא כֹּהֵן הֲוָה, וַהֲוָה דָּחֵיק לֵיהּ מִלְּתָא. אֲתָא לְקַמֵּיהּ דְּרַבִּי טַבְלָא, אֲמַר לֵיהּ: זִיל אִישְׁתַּתַּף בַּהֲדֵי טַבָּחֵי יִשְׂרָאֵל, דְּמִגּוֹ דְּמִפַּטְרִי מִמַּתָּנָתָא, מִשְׁתַּתְּפִי בַּהֲדָךְ.

§ The mishna teaches that the obligation to give the gifts of the priesthood does not apply to an animal jointly owned by an Israelite and a priest. The Gemara relates that the **host** [***ushpizikhnei***][L] **of Rabbi Tavla was a priest and he was hard-pressed** for money. **He came before Rabbi Tavla** to ask for advice. Rabbi Tavla **said to him: Go** and **enter into a partnership with those Israelite butchers,** to obtain part ownership of their animals, **as since they** will be **exempt from** the obligation to give the **gifts** on account of this partnership, they will agree to **enter into** a business **partnership with you** free of charge.

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חַיְיבֵיהּ רַב נַחְמָן. אֲמַר לֵיהּ: וְהָא רַבִּי טַבְלָא פָּטְרַן! אֲמַר לֵיהּ: זִיל אַפֵּיק, וְאִי לָא – מַפְקְינָא לָךְ רַבִּי טַבְלָא מֵאוּנָךְ!

The priest heeded the advice of Rabbi Tavla and entered into a partnership with an Israelite butcher. Nevertheless, **Rav Naḥman obligated** the butcher to give the gifts of the priesthood from the animals he slaughtered. The priest **said to** Rav Naḥman: **But Rabbi Tavla exempted us** from this obligation. Rav Naḥman **said to him: Go remove** the gifts of the priesthood that are in your possession and give them to a priest, **and if** you will **not** do so, **I will remove Rabbi Tavla from your ear** [*me'unakh*],[L] i.e., I will refute his basis for deeming you exempt.

אֲזַל רַבִּי טַבְלָא קַמֵּיהּ דְּרַב נַחְמָן, אֲמַר לֵיהּ: מַאי טַעְמָא עָבֵיד מָר הָכִי? אֲמַר לֵיהּ: דְּכִי אֲתָא רַבִּי אַחָא בַּר חֲנִינָא מִדָּרוֹמָא אֲמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי זְקֵנֵי דָרוֹם אָמְרוּ: כֹּהֵן טַבָּח – שְׁתַּיִם וְשָׁלֹשׁ שַׁבָּתוֹת פָּטוּר מִן הַמַּתָּנוֹת, מִכָּאן וְאֵילָךְ – חַיָּיב בְּמַתָּנוֹת.

Rabbi Tavla came before Rav Naḥman and **said to him: What is the reason** that the **Master has done this** and ruled in contradiction to the mishna? Rav Naḥman **said to him:** I ruled in this manner, **as when Rabbi Aḥa bar Ḥanina of the south came** from Eretz Yisrael to Babylonia, he **said** that **Rabbi Yehoshua ben Levi** and all **the elders of the south**[B] **said:** With regard to **a priest** who becomes **a butcher,** for the first **two or three weeks** he is **exempt from** the obligation to give **the gifts,** as he has not yet established himself in the community as a butcher. But **from this** point **forward** he is **obligated to** give the **gifts,** as he is now known as a butcher.

אֲמַר לֵיהּ: וְלֵיעֲבִיד לֵיהּ מָר מִיהַת כְּרַבִּי אַחָא בַּר חֲנִינָא! אֲמַר לֵיהּ: הָנֵי מִילֵּי – דְּלָא קָבַע מְסַחְתָּא, אֲבָל הָכָא – הָא קָבַע מְסַחְתָּא.

Rabbi Tavla **said to** Rav Naḥman: **And let the Master at least do for** the priest **in accordance with** the opinion of **Rabbi Aḥa bar Ḥanina** and exempt him from giving the gifts for the first three weeks of his partnership. Rav Naḥman **said to him: This statement** of Rabbi Aḥa bar Ḥanina applies only when the priest **did not** immediately **establish a butcher shop.** In such a case, the priest is exempt until he becomes known as a recognized butcher. **But here, he has** already **established a butcher shop**[H] and is therefore obligated to give the gifts without delay.

§ אֲמַר רַב חִסְדָּא: הַאי כָּהֲנָא דְּלָא מַפְרִישׁ מַתְּנָתָא – לֵיהֱוֵי בִּשְׁמָתָא דֵּאלֹהֵי יִשְׂרָאֵל. אֲמַר רַבָּה בַּר רַב שֵׁילָא: הָנֵי טַבָּחֵי דְּהוּצֵל קָיְימִי בְּשָׁמְתָא דְּרַב חִסְדָּא הָא עֶשְׂרִים וְתַרְתֵּי שְׁנִין.

§ **Rav Ḥisda said:** With regard to **a priest who** slaughters an animal and **does not separate gifts** of the priesthood from them for another priest, **let him be** under the **excommunication of the God of Israel. Rabba bar Rav Sheila said: These butchers of** the city of **Huzal** have **remained** under the **excommunication of Rav Ḥisda these** last **twenty-two years,** as they have continuously refused to separate gifts of the priesthood for this period.

לְמַאי הִלְכְתָא? אִילֵימָא דְּתוּ לָא מְשַׁמְּתִינַן לְהוּ – וְהָא תַּנְיָא: בַּמֶּה דְּבָרִים אֲמוּרִים בְּמִצְוֹת לֹא תַעֲשֶׂה, אֲבָל בְּמִצְוֹת עֲשֵׂה, כְּגוֹן: אוֹמְרִים לוֹ "עֲשֵׂה סוּכָּה"! וְאֵינוֹ עוֹשֶׂה, "לוּלָב"! וְאֵינוֹ עוֹשֶׂה, "עֲשֵׂה צִיצִית"! וְאֵינוֹ עוֹשֶׂה – מַכִּין אוֹתוֹ עַד שֶׁתֵּצֵא נַפְשׁוֹ!

The Gemara asks: **With regard to what *halakha*** did Rabba bar Rav Sheila state that the butchers of Huzal have been under excommunication for twenty-two years? **If we say that we do not excommunicate them** for a period **any longer** than twenty-two years, **but isn't it taught** in a *baraita*: **In what** case **is this statement,** that one is not excommunicated for committing a transgression, **said?** It is said **with regard to a prohibition,** for which one is liable to receive a relatively severe punishment, e.g., death or *karet*. **But with regard to** one who refuses to perform **a positive mitzva, e.g.,** the court **says to him: Perform** the mitzva of ***sukka*, and he does not do** so, or: Perform the mitzva of taking the ***lulav*, and he does not do** so, or: **Prepare ritual fringes** for your garments, **and he does not do** so, the court **strikes him** an unlimited number of times, even **until his soul departs.** Accordingly, the butchers of Huzal should remain under excommunication indefinitely until they separate the gifts.

LANGUAGE

Your ear [*unakh*] – אוּנָךְ: This term is derived from *ona*, a shortened form of *odna*, meaning ear in Aramaic. With regard to the meaning of Rav Naḥman's statement, some explain that he threatened to punish the host until he agreed to ignore the advice of Rabbi Tavla and stop acting in accordance with his opinion. Others maintain that Rav Naḥman meant that he would cause the host to forget Rabbi Tavla and he would no longer make any mention of his name (*Arukh*).

BACKGROUND

Elders of the south – זְקֵנֵי דָרוֹם: This was the title of a group of Torah scholars who lived in Judea, particularly in Lod and its surrounding areas, during the period of the *amora'im*. During that era, the majority of the Jewish population in Eretz Yisrael lived in the Galilee, where the main centers of Torah study were located. Even after Judea was ravaged by the war that led to the destruction of the Second Temple and the bar Kokheva revolt, Torah scholars remained in Judea who had studied under the greatest Torah scholars of the previous generations. Rabbi Yehoshua ben Levi cites this *halakha* in the name of this group of scholars.

HALAKHA

A priest who becomes a butcher…established a butcher shop – כֹּהֵן טַבָּח...קָבַע מְסַחְתָּא: With regard to a priest who works as a butcher, the court waits two or three weeks, after which they remove gifts of the priesthood from his possession and give them to other priests. If the priest established a butcher shop to sell the meat, the court does not wait. Rather, the gifts are removed from his possession at once. If the priest refuses to relinquish them, he is excommunicated until he complies (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:9; *Shulḥan Arukh*, *Yoreh De'a* 61:22, 24).

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אֶלָּא, דְּקָנְסִינַן לְהוּ בְּלָא אַתְרָיְיתָא. כִּי הָא דְּרָבָא קָנֵיס אַטְמָא, רַב נַחְמָן בַּר יִצְחָק קָנֵיס גְּלִימָא.

Rather, Rabba bar Rav Sheila means **that** because the butchers of Huzal have refused to give the gifts for so many years, **we fine them** even **without forewarning.** There was a case **like this** of a person who refused to give the gifts of the priesthood to a priest, **where Rava fined** him by taking the entire **thigh** of his animal and giving it to a priest. Similarly, **Rav Naḥman bar Yitzḥak fined** an individual who refused to give the gifts of the priesthood to a priest by taking his **cloak**[B] and giving it to a priest.

וְאָמַר רַב חִסְדָּא: זְרוֹעַ – לְאֶחָד, וְקֵבָה – לְאֶחָד, לְחָיַיִם – לִשְׁנַיִם. אִינִי, וְהָא כִּי אֲתָא רַב יִצְחָק בַּר יוֹסֵף אֲמַר: בְּמַעְרָבָא פָּלְגִינַן לְהוּ גַּרְמָא גַּרְמָא!

§ **And Rav Ḥisda** also **says** with regard to gifts of the priesthood: The **foreleg** is given **to one** priest **and** the **maw** is given **to one** priest, while the **jaw** is given **to two**[H] priests. The Gemara asks: **Is that so? But when Rav Yitzḥak bar Yosef came** to Babylonia from Eretz Yisrael **he said: In the West,** Eretz Yisrael, **we divide** the gifts **bone by bone,** each of which is given to two priests.

הָתָם בְּדִתּוֹרָא.

The Gemara explains: **There,** in the case dealt with in Eretz Yisrael, the gifts were **of a** large **bull.**[H] The Torah states: "That they shall give to the priest" (Deuteronomy 18:3). The use of the term "give" indicates that the gift given should be a substantial one. Even when one limb of the large bull was divided between two priests, each received a substantial portion. This is not the case with regard to the gifts of smaller animals, where each limb is not large enough to provide two substantial portions.

אָמַר רַבָּה בַּר בַּר חָנָה, אָמַר רַבִּי יוֹחָנָן: אָסוּר לֶאֱכוֹל מִבְּהֵמָה שֶׁלֹּא הוּרְמָה מַתְּנוֹתֶיהָ. אָמַר רַבָּה בַּר בַּר חָנָה, אָמַר רַבִּי יוֹחָנָן: כָּל הָאוֹכֵל מִבְּהֵמָה שֶׁלֹּא הוּרְמָה מַתְּנוֹתֶיהָ – כְּאִילּוּ אוֹכֵל טְבָלִים. וְלֵית הִלְכְתָא כְּוָותֵיהּ.

§ **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says:** It is **prohibited to partake of** a slaughtered **animal whose gifts have not** yet **been separated.**[H] Furthermore, **Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: Anyone who partakes of an animal whose gifts have not** yet **been separated** is considered **as though he consumes untithed produce. But** the Gemara states: **The *halakha* is not in accordance with** the opinion of Rabbi Yoḥanan.

אָמַר רַב חִסְדָּא: מַתְּנוֹת כְּהוּנָּה אֵין נֶאֱכָלוֹת אֶלָּא צָלִי, וְאֵין נֶאֱכָלוֹת אֶלָּא בְּחַרְדָּל. מַאי טַעְמָא – אָמַר קְרָא "לְמָשְׁחָה" – לִגְדוּלָּה, כְּדֶרֶךְ שֶׁהַמְּלָכִים אוֹכְלִים.

Rav Ḥisda says: Gifts of the priesthood may be consumed only when they are **roasted, and they may be consumed only with mustard**[BH] seasoning. **What is the reason** for this *halakha*? The **verse states:** "And the Lord spoke to Aaron: And I, behold, I have given you the charge of My gifts; of all the consecrated items of the children of Israel to you have I given them for prominence, and to your sons, as an eternal portion" (Numbers 18:8). The term "**for prominence**" means that the portions were given to the priests as a mark **of greatness.** Accordingly, they should be eaten **in a manner that kings eat,** i.e., roasted and with mustard.

BACKGROUND

Cloak – גְּלִימָא:



Sculpture from the mishnaic era of a man in a cloak

Mustard – חַרְדָּל: This refers to *Eruca sativa* L., known in modern times as arugula. It is an annual plant that grows to heights of 20–100 cm, and it can be found growing along the sides of roads throughout Eretz Yisrael, with the exception of the Negev Desert. Its leaves are used in salads and are eaten raw. The flowers of the arugula plant have a yellowish color with purple veins. During the Second Temple era the seeds of the arugula were used as a substitute for pepper.



Flower of the arugula plant

HALAKHA

The foreleg to one and the maw to one while the jaw is given to two – זְרוֹעַ לְאֶחָד וְקֵבָה לְאֶחָד לְחָיַיִם לִשְׁנַיִם: One who wishes to give all of the gifts to one priest may do so. If he wishes to divide them among more than one priest, he should not divide them among many, as each must receive a substantial portion. Accordingly, he should give the foreleg to one priest, the maw to one, and the jaw to two (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 61:9).

Bone by bone…of a large bull – גַּרְמָא גַּרְמָא...בְּדִתּוֹרָא: If one owns a large bull and wishes to distribute the gifts from it to multiple priests, he may divide the foreleg among two priests so that each one receives one bone (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 61:9).

Partaking of an animal whose gifts have not yet been separated – אֲכִילַת בְּהֵמָה שֶׁלֹּא הוּרְמוּ מַתְּנוֹתֶיהָ: An animal whose gifts have not yet been separated may be consumed. It is not considered equivalent to untithed produce, because the gifts are distinct from the rest of the meat. The gifts themselves may not be consumed by an Israelite without the express permission of a priest. Although it is permitted to partake of such an animal, it is a mitzva to refrain from partaking of it until the gifts have been set aside (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:14; *Shulḥan Arukh*, *Yoreh De'a* 61:5).

Gifts of the priesthood may be consumed only roasted and they may be consumed only with mustard – מַתְּנוֹת כְּהוּנָּה אֵין נֶאֱכָלוֹת אֶלָּא צָלִי וְאֵין נֶאֱכָלוֹת אֶלָּא בְּחַרְדָּל: The priests may consume gifts of the priesthood only with mustard, as the verse states: "For prominence," which indicates that the portions should be eaten in a manner of kings. Some commentaries claim that if the priest prefers cooked to roasted meat, he cannot be forced to consume it roasted, as the manner of kings is to consume food in a manner most pleasing to them (*Kesef Mishne*, citing *Tosafot*). The *Shulḥan Arukh* likewise states: A priest may consume the gifts in the manner that is most pleasant to him. If he does not have a preference, he should eat it roasted and with mustard (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:22; *Shulḥan Arukh*, *Yoreh De'a* 61:12).

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וְאָמַר רַב חִסְדָּא: עֶשְׂרִים וְאַרְבַּע מַתָּנוֹת כְּהוּנָּה, כָּל כֹּהֵן שֶׁאֵינוֹ בָּקִי בָּהֶן – אֵין נוֹתְנִין לוֹ מַתָּנָה. וְלָאו מִילְּתָא הִיא, דְּתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר: כָּל כֹּהֵן שֶׁאֵינוֹ מוֹדֶה בַּעֲבוֹדָה – אֵין לוֹ חֵלֶק בִּכְהוּנָּה, שֶׁנֶּאֱמַר ״הַמַּקְרִיב אֶת דַּם הַשְּׁלָמִים וְאֶת הַחֵלֶב מִבְּנֵי אַהֲרֹן לוֹ תִּהְיֶה שׁוֹק הַיָּמִין לְמָנָה״,

And Rav Ḥisda says: One may not give a gift to any priest who is not an expert in the *halakhot* pertaining to all **twenty-four gifts of the priesthood.** The Gemara notes: **But** this **is not correct, as it is taught** in a *baraita* that **Rabbi Shimon says: Any priest who does not believe in** the validity of the Temple **service**[N] **has no portion in** any of the gifts given to the **priesthood, as it is stated: "He among the sons of Aaron, who offers** [*hamakriv*] **the blood of the peace offerings, and the fat, shall have the right thigh for a portion"** (Leviticus 7:33). The word "*hamakriv*," which literally means: Who brings it close, indicates that only one who believes in the validity of conveying the blood to the altar is entitled to receive the right thigh of the offering, as only one who believes in the rite would perform it.

אֵין לִי אֶלָּא זֶה בִּלְבַד, מִנַּיִן לְרַבּוֹת חֲמֵשׁ עֲשְׂרֵה עֲבוֹדוֹת, כְּגוֹן: הַיְצִיקוֹת וְהַבְּלִילוֹת וְהַפְּתִיתוֹת וְהַמְּלִיחוֹת, תְּנוּפוֹת וְהַגָּשׁוֹת [וְהַקְמִיצוֹת], הַקְטָרוֹת (וְהַמְּצִיּוֹת) [וְהַמְּלִיקוֹת]

The *baraita* continues: **I have** derived **only** that a priest does not have a share in the priestly gifts if he does not believe in **this** rite of conveying of the blood **alone. From where** do I derive **to include fifteen** additional sacrificial **rites, such as** the rites of a meal offering, i.e., **the pouring** of the oil **and the mixing** of the oil and the subsequent pouring of the oil; **and the crumbling** of meal offerings prepared in a shallow or deep pan or in an oven, whose handfuls are removed after they are baked and subsequently crumbled; **and the salting** of meal offerings (see Leviticus 2:13); and the **waving** of certain meal offerings; **and the bringing** of certain meal offerings to the southwestern corner of the altar before a handful is removed; **and the removal of the handful;** and **the burning** of offerings on the altar; **and the squeezing** of a bird offering to extract its blood; **and the pinching** of the nape of the neck of a bird offering;

NOTES

Any priest who does not believe in the Temple service – כָּל כֹּהֵן שֶׁאֵינוֹ מוֹדֶה בַּעֲבוֹדָה: Some commentaries explain that this refers to a priest who thinks that the sacrificial rites of the Temple service were fabricated by Moses and they were not commanded by God (Rashi). Others claim that this cannot refer to one who denies the divinity of the entire Temple service, as it is obvious that such a person has no portion in the gifts of the priesthood. Rather, it refers to one who denies the divinity of certain rites, claiming that they are not obligatory or that their performance is not indispensable (Ritva). Although such a person denies the words of the Sages, he believes in the Written Torah. He is therefore not considered an apostate who rejects the entire Torah, but one who rejects one matter of the Torah, and such a person does not disqualify the Temple service (*Ḥazon Ish*). Others contend that the *baraita* is dealing with a priest who thinks that the Temple service is not genuine worship of God but merely a series of actions intended to steer the Jewish people's thoughts away from idol worship (*Ḥatam Sofer*). Yet another explanation is that this priest thinks that the Temple service may be performed by any member of the Jewish people and is not solely the domain of the priests (*Mizbaḥ Kappara*).

Perek **X**
Daf **133** Amud **a**

וְקַבָּלוֹת, הֲזָאוֹת, וְהַשְׁקָאַת סוֹטָה, וַעֲרִיפַת עֶגְלָה עֲרוּפָה, וְטָהֳרַת מְצוֹרָע, וּנְשִׂיאוּת כַּפַּיִם בֵּין מִבִּפְנִים בֵּין מִבַּחוּץ – תַּלְמוּד לוֹמַר ״מִבְּנֵי אַהֲרֹן״, עֲבוֹדָה הָאֲמוּרָה לִבְנֵי אַהֲרֹן.

and the **receiving** of the blood in a vessel; and its **sprinkling** upon the altar, each offering according to its *halakha*; **and** the **giving of water to a woman suspected by her husband of having been unfaithful** [*sota*]**; and** the ritual of **breaking a heifer's neck** in an untilled valley when a corpse is discovered and the murderer is unknown; **and** the **purification of a leper; and** the **lifting of the hands** for the Priestly Benediction, **whether inside or outside** the Temple; from where are these derived? **The verse states: "Among the sons of Aaron,"** indicating that this is the *halakha* with regard to any sacrificial **rite that is stated to the sons of Aaron.**

וְכָל כֹּהֵן שֶׁאֵינוֹ מוֹדֶה בָּהּ – אֵין לוֹ חֵלֶק בִּכְהוּנָּה. טַעֲמָא – דְּאֵינוֹ מוֹדֶה בָּהּ, הָא מוֹדֶה בָּהּ – אַף עַל גַּב דְּאֵינוֹ בָּקִי בָּהֶן.

And the Gemara explains the proof: The *baraita* teaches that **any priest who does not believe in** the validity of these rites **has no portion in the** gifts of the **priesthood.** It may be inferred that the **reason** the priest has no portion is **that he does not believe in it,** whereas if **he does believe in it, even though he is not an expert in its** *halakhot,* he receives a portion. This contradicts the opinion of Rav Ḥisda.

אָמַר רַבִּי אַבָּא, אָמַר רַב הוּנָא, אָמַר רַב: חוּטִין שֶׁבַּלְּחָיֵי אֲסוּרִים, וְכָל כֹּהֵן שֶׁאֵינוֹ יוֹדֵעַ לִיטְּלָן – אֵין נוֹתְנִין לוֹ מַתָּנָה.

With regard to priests who should not be given gifts of the priesthood, **Rabbi Abba says** that **Rav Huna says** that **Rav says:** The **veins that** are contained **in the jaw**[HB] of an animal are **prohibited** for consumption, due to the blood they contain. **And one does not give** the **gift** of the jaw **to any priest who does not know** how **to remove** the veins, as the priest might eat them.

HALAKHA

Veins that are contained in the jaw – חוּטִין שֶׁבַּלְּחָיֵי: The veins in the lower jaw that are close to the tongue on either side are prohibited due to the blood they contain (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 7:13; *Shulḥan Arukh, Yoreh De'a* 65:1).

BACKGROUND

Veins that are contained in the jaw – חוּטִין שֶׁבַּלְּחָיֵי:



Blood vessels of the head

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וְלָא הִיא, אִי בְּטָוְיָא – מֵידָב דָּיְיבִי. וְאִי לְקַדָּרָה, אִי דְּמִיחַתֵּךְ לְהוּ וּמָלַח לְהוּ – מֵידָב דָּיְיבִי.

The Gemara notes: **But** that **is not so,** i.e., one need not be concerned that the priest might consume the blood within the veins, as any method of preparing the jaw will remove the blood: **If** the priest prepares the jaw **by roasting** it, the blood **will drain** from the jaw due to the fire. **And if** he intends **to** place the jaws in **a pot** to cook them, **if he cuts them and salts them,** as one is required to do before cooking any meat, the blood **will drain** from them, and they will be permitted for consumption.

אֲמַר רָבָא, בְּדַק לָן רַב יוֹסֵף: הַאי כָּהֲנָא דְּחָטֵיף מַתְּנָתָא, חִבּוּבֵי קָא מְחַבֵּב מִצְוָה, אוֹ זְלִזוּלֵי קָא מְזַלְזֵל בְּמִצְוָה? וּפְשַׁטְנָא לֵיהּ: ״וְנָתַן״ – וְלֹא שֶׁיִּטּוֹל מֵעַצְמוֹ.

§ With regard to the manner in which a priest takes gifts of the priesthood from their owners, **Rava said: Rav Yosef examined us,** his students, with the following question: **A priest who seizes gifts**[H] of the priesthood from their owners, is **he demonstrating fondness** for the **mitzva or is he demonstrating contempt for the mitzva? And I resolved** this question **for him** from the verse: "That they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). The term **"that they shall give"** indicates that the owner should give the gifts, **and not that** a priest **should take them by himself.** Accordingly, a priest who seizes the gifts from their owners is demonstrating contempt for the mitzva.

אֲמַר אַבַּיֵי: מֵרֵישׁ הֲוָה חָטֵיפְנָא מַתְּנָתָא, אָמִינָא – חִבּוּבֵי קָא מְחַבֵּיבְנָא מִצְוָה. כֵּיוָן דִּשְׁמַעְנָא לְהָא ״וְנָתַן״ – וְלֹא שֶׁיִּטּוֹל מֵעַצְמוֹ, מֵיחְטַף לָא חָטֵיפְנָא. מֵימַר אָמְרִי: ״הָבוּ לִי״. וְכֵיוָן דִּשְׁמַעְנָא לְהָא דְּתַנְיָא: ״וַיִּטּוּ אַחֲרֵי הַבָּצַע״, רַבִּי מֵאִיר אוֹמֵר: בְּנֵי שְׁמוּאֵל חֶלְקָם שָׁאֲלוּ בְּפִיהֶם, מֵימַר נַמִי לָא אָמִינָא, וְאִי יָהֲבוּ לִי – שָׁקֵילְנָא.

Abaye, who was a priest, **said: At first, I would seize gifts** of the priesthood, as **I said** to myself that **I am demonstrating fondness** for the **mitzva** in this manner. **Once I heard this** interpretation: **"That they shall give," and not that he should take by himself, I did not seize** them anymore. Instead, **I would say** to the owners of the gifts: **Give me. And once I heard that which is taught** in a *baraita*: The verse states with regard to the sons of Samuel, who were Levites: **"But turned aside after wealth"** (1 Samuel 8:3), and **Rabbi Meir says: The sons of Samuel** sinned when they **asked for their portion,** the first tithe given to the Levite, **with their mouths,** i.e., they demanded that the owners give them the first tithe. Abaye continued: After I heard that, **I also did not say** anything to the owners, **but if they would give me** gifts **I would take** them.

כֵּיוָן דִּשְׁמַעְנָא לְהָא דְּתַנְיָא: הַצְּנוּעִים מוֹשְׁכִין אֶת יְדֵיהֶם, וְהַגַּרְגְּרָנִים חוֹלְקִים – מִשְׁקַל נַמִי לָא שָׁקֵילְנָא, לְבַר מִמַּעֲלֵי יוֹמָא דְּכִיפּוּרֵי, לְאַחֲזוּקֵי נַפְשָׁאי בְּכָהֲנֵי.

Abaye said further: **Once I heard that which is taught** in a *baraita* with regard to the distribution of the shewbread among the priests: **The modest ones** [*hatzenu'im*][L] **withdraw their hands** and do not take, **and the gluttons divide** all the bread; **I also did not take** gifts even when they were offered to me, **except for** when they were given on **the eve of Yom Kippur,** when there was an abundance of gifts due to the many animals that were slaughtered, as it is a mitzva to eat that day. In that instance, I took the gifts in order **to affirm myself among the priests,**[H] i.e., if I would never take gifts then my status as a priest might be called into question.

וְלִפְרוֹס יְדֵיהּ? אָנְסֵיהּ לֵיהּ עִידָּנֵיהּ.

The Gemara challenges: **But let him spread his hands**[B] for the Priestly Benediction throughout the year, as this will make it clear to all that he is in fact a priest. The Gemara responds: **His schedule constrained him,**[N] as he was constantly involved in teaching Torah to his students, so much so that he would miss the time during which the community gathered in the synagogue for the Priestly Benediction.

HALAKHA

A priest who seizes gifts – כָּהֲנָא דְּחָטֵיף מַתְּנָתָא: A priest should not seize gifts of the priesthood, nor even request that they be given to him. Rather, if they are given to him in a respectful manner, he should take them (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:22; *Shulḥan Arukh*, *Yoreh De'a* 61:11).

The modest ones withdraw their hands…to affirm myself among the priests – הַצְּנוּעִים מוֹשְׁכִין אֶת יְדֵיהֶם... לְאַחֲזוּקֵי נַפְשָׁאי בְּכָהֲנֵי: If there are many priests in the slaughterhouse, the modest ones withdraw their hands and the gluttons take the gifts. If there is a modest priest whose status as a priest is not widely known, he should take gifts in order to publicize the fact that he is a priest (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:22; *Shulḥan Arukh*, *Yoreh De'a* 61:11).

LANGUAGE

Modest ones [*tzenu'im*] – צְנוּעִים: The Hebrew root *tzadi*, *nun*, *ayin* is generally associated with hiding or concealing. Accordingly, *tzenu'im* refers to individuals who behave with humility. *Tzenu'im* may also be related to the Aramaic meaning of *tzena*, intelligence and comprehension. If so, when the Gemara discusses the actions of *tzenu'im*, it is referring to individuals possessing great wisdom or awe of Heaven.

NOTES

His schedule constrained him – אָנְסֵיהּ לֵיהּ עִידָּנֵיהּ: Some commentaries explain that Abaye suffered from a condition that rendered him unable to delay relieving himself. Consequently, he could not raise his hands for the Priestly Benediction (Rif; Rosh; Ritva). Others reject this explanation on the grounds that it is unlikely that Abaye suffered from such a condition throughout his entire life (*Ma'adannei Yom Tov*).

BACKGROUND

Lifting hands – נְשִׂיאוּת כַּפַּיִם: The Priestly Benediction is recited by priests in the synagogue between the blessings of thanksgiving and peace, the final two blessings in the repetition of the *Amida* prayer. It is comprised of the three verses of priestly benediction in Numbers 6:24–26. As the priests turn to face the congregation to recite the Priestly Benediction, they first recite a blessing acknowledging the sanctity of the priesthood and their responsibility to bless the people in a spirit of love. While reciting the Priestly Benediction, the priests lift their hands. In most places in Eretz Yisrael, the Priestly Benediction is recited by the priests during the repetition of every morning and additional prayer. In the Diaspora, though, there is a long-established Ashkenazic practice of reciting it only during the additional prayer on Festivals.

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אֲמַר רַב יוֹסֵף: הַאי כֳּהֲנָא דְּאִית לֵיהּ צוּרְבָא מֵרַבָּנַן בְּשִׁבֵּבוּתֵיהּ וּדְחִיקָא לֵיהּ מִילְתָא – לִיזְבֵּי לֵיהּ מַתְּנָתָא. וְאַף עַל גַּב דְּלָא אָתֵי לִידֵיהּ, בְּמַכָּרֵי כְּהוּנָּה וּלְוִיָּה.

Rav Yosef said: In a case where **a priest who has a Torah scholar** [*tzurva merabbanan*][L] living **in his neighborhood and** that Torah scholar **is hard-pressed** for money,[H] **let** the priest **grant** his **gifts to him,** i.e., the priest may declare that those gifts he is destined to receive should be given to the poor Torah scholar. **And even though** the gifts **have not** yet **come into his possession,** he may grant them to the Torah scholar **in** a case where there are **associates of the priesthood and the Levites,** i.e., if that specific priest or Levite was well known in his neighborhood and has a standard arrangement with many people that they give him their gifts, as he is certain that he will be given them.

רָבָא וְרַב סָפְרָא אִיקְּלָעוּ לְבֵי מָר יוֹחֲנָא בְּרֵיהּ דְּרַב חָנָא בַּר אַדָּא, וְאָמְרִי לָהּ לְבֵי מָר יוֹחֲנָא בְּרֵיהּ דְּרַב חָנָא בַּר בִּיזְנָא. עָבִיד לְהוּ עֶגְלָא תִּילְתָא. אֲמַר לֵיהּ רָבָא לְשַׁמָּעֵיהּ: זְכֵי לָן מַתְּנָתָא, דְּבָעֵינָא לְמֵיכַל לִישָׁנָא בְּחַרְדְּלָא!

With regard to the statement of Rav Yosef, the Gemara relates that **Rava and Rav Safra visited the house of Mar Yoḥana, son of Rav Ḥana bar Adda, and some say** they visited **the house of Mar Yoḥana, son of Rav Ḥana bar Bizna.** Mar Yoḥana **prepared for them a third-born calf.**[N] **Rava said to** the **attendant** of Mar Yoḥana, who was a priest and would normally receive gifts of the priesthood from Mar Yoḥana: **Grant us the gifts, as I wish to eat tongue with mustard,** and the tongue along with the jaw is one of the gifts.

זְכֵי לֵיהּ. רָבָא אֵכַל, וְרַב סָפְרָא לָא אֵכַל. אַקְרִיוּהּ לְרַב סָפְרָא בְּחֶלְמָא: ״מַעֲדֶה בֶּגֶד בְּיוֹם קָרָה חֹמֶץ עַל נָתֶר וְשָׁר בַּשִּׁירִים עַל לֵב רָע״.

The attendant **granted** the gifts **to him; Rava ate** from them **but Rav Safra did not eat.** Following this incident, **they read** the following verse **to Rav Safra in a dream: "As one that takes off a garment in cold weather, and as vinegar upon niter, so is he that sings songs to a heavy heart"** (Proverbs 25:20). The verse can be interpreted allegorically as a chastisement of one who studies Torah but fails to understand it.

אֲתָא לְקַמֵּיהּ דְּרַב יוֹסֵף, אֲמַר לֵיהּ: דִּלְמָא מִשּׁוּם דַּעֲבַרִי אַשִּׁמַעֲתָא דְּמָר אַקְרִיתֵּן הָכִי? אֲמַר לֵיהּ: כִּי אָמְרִי אֲנָא – בְּאַחֵר, שַׁמָּעָא – בְּעַל כָּרְחֵיהּ מְזַכֵּי. וְכִי אָמְרִי אֲנָא – לְמַאן דְּלָא אָפְשָׁר לֵיהּ, הָא – אָפְשָׁר לֵיהּ.

Rav Safra **came before Rav Yosef** and **said to him: Perhaps because I transgressed the *halakha* of the Master they read this** verse to me in chastisement. Rav Yosef **said to him:** No, you acted appropriately by refraining from consuming the gifts. **When I said** that a priest may grant the gifts to a Torah scholar, that was only **with regard to** a priest who grants them to **another** person of his own choosing.[H] I did not permit this in the case of **an attendant** who grants the gifts to a dignified guest of the homeowner. The reason is that **he grants** the gifts **against his will,** as he feels pressured by the homeowner to acquiesce. **And** furthermore, **when I said** this *halakha*, it was only **for one who cannot** eat under another circumstance, as he is hard-pressed for money. In **this** incident, it was **possible for** Rava to consume his own meat with mustard, since Rava was not poor.

וְאֶלָּא מַאי טַעְמָא אַקְרִיתֵּן הָכִי? כְּלַפֵּי רָבָא. וְלִקְרִיתֵּן לְרָבָא? רָבָא נָזוּף הֲוָה.

Rav Safra asked Rav Yosef: **But** if so, **what is the reason** that **they read this** verse to me? Rav Yosef responded: The reading was directed not toward you but **toward Rava,** who ate from the gifts against my ruling. The Gemara objects: **But let them read** this verse **to Rava** himself in a dream. The Gemara responds: **Rava was rebuked**[N] as a result of this incident and therefore was not granted heavenly communication. The verse was therefore proclaimed to Rav Safra instead.

LANGUAGE

Torah scholar [*tzurva merabbanan*] – צוּרְבָּא מֵרַבָּנַן: This refers to a Torah scholar, particularly a young scholar. Since ancient times, authorities have disagreed as to the linguistic source of this expression. Some relate the word *tzurva* to *tzarevet*, which connotes something hot and scorching like fire. This describes the intense engagement of a young scholar in his Torah studies (Rav Hai Gaon). Other commentaries explain that it means vigor and strength, finding support for this interpretation from other talmudic expressions. The word would therefore be similar to the Arabic root ضرب, *drb*, which also denotes vigor and strength (Ran; *Arukh*).

HALAKHA

A priest who has a Torah scholar in his neighborhood and he is hard-pressed for money, etc. – כֳּהֲנָא דְּאִית לֵיהּ צוּרְבָּא מֵרַבָּנַן בְּשִׁבֵּבוּתֵיהּ וּדְחִיקָא לֵיהּ מִילְתָא וכו׳: If a priest has associates of the priesthood who normally give their gifts to him, he may grant these gifts to an Israelite, such that the Israelite receives them directly from the priest's associates. This is permitted only if the Israelite is a Torah scholar who has no other means of sustenance (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:21; *Shulḥan Arukh*, *Yoreh De'a* 61:14).

When I said that a priest may grant the gifts that was only with regard to another person of his own choosing, etc. – כִּי אָמְרִי אֲנָא בְּאַחֵר וכו׳: A priest who is an attendant in the house of an Israelite may not grant gifts to the homeowner, such that he receives them directly from the priest's associates, even if the Israelite is a poor Torah scholar. This ruling is in accordance with the Rambam's explanation of Rav Yosef's response to Rav Safra (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:21; *Shulḥan Arukh*, *Yoreh De'a* 61:14 and Gra there).

NOTES

A third-born [*tilta*] calf – עֶגְלָא תִּילְתָא: According to Rashi (*Shabbat* 11a; *Pesaḥim* 68b), this refers to a calf that has grown to one-third of its full size. Such a calf is considered to provide choice meat. *Tosafot* explain (*Shabbat* 11a; *Pesaḥim* 68b) that the term *tilta*, like its Hebrew equivalent *shelish*, means the best, just as the verse: "A *meshuleshet* heifer" (Genesis 15:9), refers to a choice heifer, and the verse: "And captains [*shalishim*] over all of them" (Exodus 14:7), refers to elite warriors.

Rava was rebuked – רָבָא נָזוּף הֲוָה: Rashi first cites an explanation that Rava was rebuked due to another incident in which he complained to Heaven that rain should fall during the summer months when rainfall was not necessary, in honor of the mother of King Shapur (see *Ta'anit* 24b). The Gemara there relates that Rava's father appeared to him in a dream and warned him to change his place of rest since his behavior aroused a grievance against him in Heaven. Rava obeyed, and the next morning he discovered that his bed was slashed with the knives of angels sent to kill him. Rashi then suggests that in his opinion Rava was rebuked due to the incident cited in this Gemara, i.e., he was rebuked for eating from the gifts of the priesthood against the opinion of Rav Yosef.

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אָמַר לֵיהּ אַבַּיֵי לְרַב דִּימִי: וּפְשָׁטֵיהּ דִּקְרָא בְּמַאי כְּתִיב? אָמַר לֵיהּ: בְּשׁוֹנֶה לְתַלְמִיד שֶׁאֵינוֹ הָגוּן.

In the preceding incident, the Gemara related that the verse: "As one that takes off a garment in cold weather, and as vinegar upon niter, so is he that sings songs to a heavy heart" (Proverbs 25:20), was proclaimed to Rav Safra in a dream. **Abaye said to Rav Dimi: And with regard to what** matter **is the plain meaning of the verse written?** Rav Dimi **said to him:** It is referring **to** one who **teaches an unworthy student.**[H] In other words, just as one should remove a worn garment that has no use in cold weather, or just as vinegar upon niter ruins the niter, rendering it unusable, so too, there is no use in singing songs, i.e., teaching Torah, to an unworthy student who has a heavy heart, i.e., who does not intend to adhere to the *halakhot* he is taught.

דַּאֲמַר רַב יְהוּדָה, אָמַר רַב: כָּל הַשּׁוֹנֶה לְתַלְמִיד שֶׁאֵינוֹ הָגוּן – נוֹפֵל בַּגֵּיהִנֹּם, שֶׁנֶּאֱמַר "כָּל חֹשֶׁךְ טָמוּן לִצְפוּנָיו תְּאָכְלֵהוּ אֵשׁ לֹא נֻפָּח יֵרַע שָׂרִיד בְּאָהֳלוֹ", וְאֵין "שָׂרִיד" אֶלָּא תַּלְמִיד חָכָם, שֶׁנֶּאֱמַר "וּבַשְּׂרִידִים אֲשֶׁר ה' קֹרֵא".

As Rav Yehuda said that **Rav said: Anyone who teaches** Torah **to an unworthy student falls into Gehenna, as it is stated: "All darkness is laid up for his treasures; a fire not blown by man shall consume him; it shall go ill with him that remains** [*yera sarid*] **in his tent"** (Job 20:26), **and *sarid*** means **nothing other than a Torah scholar, as it is stated: "And among the remnant** [*sarid*] **those whom the Lord shall call"** (Joel 3:5). The word *yera* shares a root with the word *ra*, evil, and "*yera sarid*" is therefore understood to be referring to an unworthy student.

אָמַר רַבִּי זֵירָא אָמַר רַב: כָּל הַשּׁוֹנֶה לְתַלְמִיד שֶׁאֵינוֹ הָגוּן – כְּזוֹרֵק אֶבֶן לְמַרְקוּלִיס, שֶׁנֶּאֱמַר "כִּצְרוֹר אֶבֶן בְּמַרְגֵּמָה כֵּן נוֹתֵן לִכְסִיל כָּבוֹד", וּכְתִיב "לֹא נָאוֶה לִכְסִיל תַּעֲנוּג".

On a similar note, **Rabbi Zeira says** that **Rav says: Anyone who teaches** Torah **to an unworthy student** is considered **like one who throws a stone to Markulis,**[B] **as it is stated: "As a small stone in a heap of stones, so is he that gives honor to a fool"** (Proverbs 26:8), **and it is written: "Luxury is not seemly for a fool"** (Proverbs 19:10).

"וְהַמִּשְׁתַּתֵּף עִמָּהֶן צָרִיךְ לְרַשּׁוֹם". וַאֲפִילּוּ עִם הַגּוֹי? וּרְמִינְהוּ: הַמִּשְׁתַּתֵּף עִם כֹּהֵן – צָרִיךְ לְרַשּׁוֹם, וְהַמִּשְׁתַּתֵּף עִם הַגּוֹי וּפְסוּלֵי הַמּוּקְדָּשִׁים – אֵין צָרִיךְ לְרַשּׁוֹם!

§ The mishna teaches that **one who enters into partnership with** a priest or a gentile **must mark** the animal. The Gemara asks: **And** is one obligated to mark the animal **even** if he enters into partnership **with a gentile? And** the Gemara **raises a contradiction** from a *baraita*: **One who enters into partnership with a priest must mark** the animal, **but one who enters into partnership with a gentile and** one who slaughters **disqualified consecrated** animals **does not need to mark** the animal.

HALAKHA

It is referring to one who teaches an unworthy student – בְּשׁוֹנֶה לְתַלְמִיד שֶׁאֵינוֹ הָגוּן: One should not teach Torah to an unworthy student. Rather, he should make an effort to change the student's behavior, after which the student is examined. If his behavior is appropriate he is brought into the study hall to be taught Torah (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 4:1; *Shulḥan Arukh*, *Yoreh De'a* 246:7).

BACKGROUND

Markulis – מַרְקוּלִיס: The reference here is to the Roman god Mercurius, which parallels the Greek god Hermes. In Aramaic, the god is referred to as Markulis, with the second *r* in the name replaced with the letter *l*. The substitution of these sounds for one another is a common phenomenon, although it is possible that here it is also intentional, in order to avoid pronouncing the deity by its proper name. Some suggest that the reference is to a different deity called Heliopolitan Mercurius, a Hellenistic amalgamation of Middle Eastern and Greco-Roman deities.

The deity Markulis was considered by its adherents to provide, among other things, protection for travelers and merchants. For this reason they would erect statues of this idol at crossroads. Frequently, the statue would not be whole, but merely the head of the idol placed on top of a pillar, a structure that was called *herma*. As part of the usual manner of worship of this god, adherents would cast stones toward the statue, so that over the course of time a large pile of rocks would accumulate that were themselves considered as part of the idol.

It can be inferred from the Mishna and other sources that sometimes there was no statue present at all. Rather, a symbolic arrangement of two stones and one stone on top of them was placed as a representation of the idol. The idolaters would then perform the standard ritual of worship with this symbolic replacement.

Perek **X**
Daf **133** Amud **b**

HALAKHA

A case where the gentile is sitting in the butcher shop – דְּיָתֵיב גּוֹי אַמַּסְחָתָא: With regard to one who owns an animal in partnership with a gentile and slaughters it, he must mark the animal. If the gentile is sitting with him in the butcher shop, he is not required to mark the animal (*Shulḥan Arukh*, *Yoreh De'a* 61:25; see Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:10, and *Kesef Mishne* and Radbaz there).

הָכָא בְּמַאי עָסְקִינַן – דְּיָתֵיב גּוֹי אַמַּסְחָתָא.

The Gemara responds: **Here, we are dealing with** a case **where** the **gentile is sitting in the butcher shop**[H] of the Israelite. In such a situation, it is evident that the gentile is in partnership with the Israelite and the animal need not be marked. By contrast, the mishna is referring to a case where the gentile does not sit in the shop.

דִּכְוָתָהּ גַּבֵּי כֹּהֵן דְּיָתֵיב אַמַּסְחָתָא, אַמַּאי צָרִיךְ לְרַשּׁוֹם? דְּאָמְרִי: בִּשְׂרָא קָא זָבֵין. אִי הָכִי, גּוֹי נַמִּי אָמְרִי: בִּשְׂרָא קָא זָבֵין!

The Gemara asks: If so, then **in the corresponding** situation **involving a priest,** where the *baraita* teaches that one who enters into partnership with a priest must mark the animal, this must also be referring to a case **where** the priest **sits in the butcher shop. Why,** then, **must one mark** the animal? The Gemara responds: The fact that the priest sits in the shop does not indicate that he is in partnership with the Israelite, **as** people will **say:** He is in the shop because **he is purchasing meat.** The Gemara objects: **If so,** then in the case of the **gentile as well, they** will **say** that he is in the shop because **he is purchasing meat.**

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אֶלָּא הָכָא בְּמַאי עָסְקִינַן – דְּיָתֵיב גּוֹי אַכַּסְפְּתָא. דְּכָוָתָהּ גַּבֵּי כֹּהֵן דְּיָתֵיב אַכַּסְפְּתָא, אַמַּאי צָרִיךְ לְרַשּׁוֹם? אָמְרִי: הֵמּוּנֵי הֵימְנֵיהּ. גּוֹי נַמִּי, אָמְרִי: הֵמּוּנֵי הֵימְנֵיהּ!

Rather, here we are dealing with a case **where the gentile sits by the safe** into which the butcher places money received from his customers. In such a situation, it is evident that the gentile is in partnership with the Israelite, and therefore the animal need not be marked. The Gemara asks: If so, then **the corresponding** situation in the *baraita* **involving a priest** must also be a case **where** the priest **sits by the safe. Why,** then, **must one mark** the animal? The Gemara responds: The fact that the priest sits by the safe does not indicate that he is in partnership with the Israelite, **as** people will **say:** The butcher **trusts him** to protect the safe from theft. The Gemara asks: **If so,** then in the case of the **gentile as well, they** will **say** that he sits by the safe because the butcher **trusts him.**

אֵין אֱמוּנָה בְּגוֹי. אִיבָּעֵית אֵימָא: סְתָם גּוֹי מִפְּעָא פָּעֵי.

The Gemara responds: It is **not** common for a Jew to place his **trust in a gentile. If you wish, say** instead that in both cases of the *baraita* the priest and the gentile sit in the butcher shop, not by the safe. It is evident that the gentile is in partnership with the Israelite, as **an ordinary gentile** partner **yells** at the seller, saying, for example: Do not sell an item for this price but for a different price. By contrast, a priest, even if he sits in the shop, would not question the practices of the salesman, due to his modesty, but would defer to the seller's expertise. Accordingly, it is not evident that the priest is a partner, and the animal must therefore be marked.

אָמַר מָר: וּפְסוּלֵי הַמּוּקְדָּשִׁין אֵין צָרִיךְ לְרַשּׁוֹם. אַלְמָא מוֹכְחָא מִלְּתָא, וְהָא אֲנַן תְּנַן: פְּסוּלֵי הַמּוּקְדָּשִׁין נִמְכָּרִים בְּאִיטְלִיז, וְנִשְׁחָטִים בְּאִיטְלִיז, וְנִשְׁקָלִים בְּלִיטְרָא!

§ **The Master said** in the *baraita*: **And** the owner of **disqualified consecrated** animals, which were slaughtered after they were redeemed and became non-sacred, is exempt from the obligation to give the gifts, and one **does not need to mark** the animal. The Gemara objects: **Apparently, it is an evident matter** that this is a disqualified consecrated animal, and therefore one need not mark it. **But didn't we learn** in a mishna (*Bekhorot* 31a): All **disqualified consecrated** animals **are sold in the meat market** [***be'itliz***],[HL] **and are slaughtered in the meat market, and are weighed** and sold **by the *litra*,**[L] in the manner of non-sacred meat? Since disqualified consecrated animals are treated in the same manner as ordinary non-sacred animals, how is it evident that this is a disqualified consecrated animal?

תִּרְגְּמָא רַב אַדָּא בַּר אַהֲבָה קַמֵּיהּ דְּרַב פַּפָּא: בְּאוֹתָן הַנִּמְכָּרִים בְּתוֹךְ הַבַּיִת.

The Gemara responds: **Rav Adda bar Ahava interpreted** the *baraita* **before Rav Pappa** as referring **to those** disqualified consecrated animals **that are sold** from **inside the house,** i.e., a firstborn animal and an animal tithe, whose redemption payments belong to their owners, as their value has no sanctity. Since no gain would accrue to the Temple, the Sages prohibited one from selling these animals in the market, despite the fact one could have obtained a higher sale price there due to the high concentration of customers.

אָמַר רַב הוּנָא: שׁוּתָּף בָּרֹאשׁ – פָּטוּר מִן הַלֶּחִי, שׁוּתָּף בַּיָּד – פָּטוּר מִן הַזְּרוֹעַ, שׁוּתָּף בִּבְנֵי מֵעַיִן – פָּטוּר מִן הַקֵּבָה. וְחִיָּיא בַּר רַב אָמַר: אֲפִילּוּ שׁוּתָּף בְּאַחַת מֵהֶן – פָּטוּר מִכּוּלָּן.

§ With regard to gifts of the priesthood from animals owned in partnership, **Rav Huna says:** If an Israelite is **a partner** with a priest or gentile **in** only **the head** of the animal, he is **exempt** merely **from** the obligation to give the **jaw,** which is part of the head. He remains obligated to give the foreleg and the maw. If he is **a partner** with a priest or gentile **in the leg and hoof** of the animal, he is **exempt** only **from** the obligation to give **the foreleg.** If he is **a partner** with a priest or gentile **in the innards,**[H] he is **exempt** merely **from** the obligation to give **the maw. And Ḥiyya bar Rav says** that **even** if the priest or gentile is **a partner in** only **one of them,** the Israelite is **exempt from all of** the gifts.

HALAKHA

All disqualified consecrated animals are sold in the meat market, etc. – פְּסוּלֵי הַמּוּקְדָּשִׁין נִמְכָּרִים בְּאִיטְלִיז וכו׳: All disqualified consecrated animals that were redeemed may be slaughtered and sold in the meat market, and their meat may be weighed by the *litra* like non-sacred animals, except for a firstborn animal and an animal tithe. The reason is that they would be sold in the market for a higher price (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 1:12).

A partner in the head…a partner in the leg and hoof… a partner in the innards – שׁוּתָּף בָּרֹאשׁ...שׁוּתָּף בַּיָּד שׁוּתָּף...בִּבְנֵי מֵעַיִן: If one is in partnership with a priest or a gentile in the head of an animal, but is the sole owner of the remainder, he is exempt only from giving the jaw. If the partnership is in the leg and hoof alone, he is exempt from giving the foreleg. If the partnership is only in the innards, he is exempt from giving the maw. This ruling is in accordance with the opinion of Rav Huna (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:12; *Shulḥan Arukh Yoreh De'a* 61:26).

LANGUAGE

Meat market [*itliz*] – אִיטְלִיז: This word is used in modern Hebrew to mean butcher. Most scholars attribute the derivation to the Greek κατάλυσις, *katalusis*, meaning, among other things, quarters, lodging, or a place to rest. Some claim that it derives from the Greek ἀτελής, *atelēs*, meaning tax-free zone, and by extension, a fair, where people engaged in commerce and often enjoyed tax-exempt status.

***Litra* – לִיטְרָא:** From the Greek λίτρα, *litra*, which has a variety of meanings: A measurement of volume, a weight, and the name of a coin. The volume of a *litra* is less than 300 cc and is therefore a very small amount of meat. According to the Jerusalem Talmud, the value of a Greek *litra* is the equivalent of one hundred dinars.

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מֵיתִיבִי: ״הָרֹאשׁ שֶׁלִּי, וְכוּלָּהּ שֶׁלְּךָ״, וַאֲפִילּוּ אֶחָד מִמֵּאָה בָּרֹאשׁ – פָּטוּר. ״הַיָּד שֶׁלִּי, וְכוּלָּהּ שֶׁלְּךָ״, אֲפִילּוּ אֶחָד מִמֵּאָה בַּיָּד – פָּטוּר. ״בְּנֵי מֵעַיִן שֶׁלִּי, וְכוּלָּהּ שֶׁלְּךָ״, אֲפִילּוּ אֶחָד מִמֵּאָה בָּהֶן – פָּטוּר.

The Gemara **raises an objection** to the opinion of Ḥiyya bar Rav from a *baraita*: If a priest says to an Israelite butcher: Let us enter into a partnership in which **the head** of the animal **is mine and the entire** remainder **is yours, even** if the priest proposes that only **one-hundredth of the head** should be his, the Israelite is **exempt.** Similarly, if the priest offers: Let us enter into a partnership in which **the leg and hoof** of the animal **are mine and the entire** remainder **is yours, even** if the priest suggests that only **one-hundredth of the leg and hoof** will be his, the Israelite is **exempt.** And likewise, if the priest says: Let us enter into a partnership in which **the innards** of the animal **are mine and the entire** remainder **is yours, even** if the priest offers to take only **one-hundredth of the innards,** the Israelite is **exempt.**

מַאי לָאו פָּטוּר – מִן הַלֶּחִי, וְחַיָּיב בִּכּוּלָּן, פָּטוּר מִן הַזְּרוֹעַ וְחַיָּיב בִּכּוּלָּן, פָּטוּר מִן הַקֵּבָה וְחַיָּיב בִּכּוּלָּן! לָא, פָּטוּר מִכּוּלָּן.

The Gemara explains the objection: **What, is it not** correct that the *baraita* is teaching that when the priest owns the head the butcher is **exempt from** giving **the jaw, but obligated in** giving **all** the rest, and likewise when the priest owns the leg and hoof, he is **exempt from** giving **the foreleg but obligated in all** the rest, and when the priest owns the innards, he is **exempt from the maw and obligated in all** the rest? This would contradict the opinion of Ḥiyya bar Rav. The Gemara responds: **No;** in each case the *baraita* means that he is **exempt from all** the gifts.

וְלֵיתְנֵי ״פָּטוּר מִכּוּלָּן״! וְעוֹד, תַּנְיָא: ״הָרֹאשׁ שֶׁלִּי, וְכוּלָּהּ שֶׁלְּךָ״, אֲפִילּוּ אֶחָד מִמֵּאָה בָּרֹאשׁ – פָּטוּר מִן הַלֶּחִי וְחַיָּיב בִּכּוּלָּן! תִּיּוּבְתָּא דְּחִיָּיא בַּר רַב תִּיּוּבְתָּא.

The Gemara suggests: **But** if so, **let** the *baraita* **teach** explicitly that he is **exempt from all the** gifts, rather than simply stating that he is exempt. **And furthermore,** it **is taught** in another *baraita* that if a priest says to an Israelite butcher: Let us enter into a partnership in which **the head** of the animal **is mine and the entire** remainder **is yours, even** if the priest suggests that only **one-hundredth of the head** will be his, the butcher is **exempt from** the obligation to give **the jaw but is obligated in** giving **all the** rest. This *baraita* explicitly contradicts the opinion of Ḥiyya bar Rav. The Gemara concludes: **The refutation of** the opinion of **Ḥiyya bar Rav** is indeed **a conclusive refutation.**

אָמַר רַב חִסְדָּא: הָא מַתְנִיתָא אַטְעִיתֵיהּ לְחִיָּיא בַּר רַב, דְּתַנְיָא: עֶשְׂרִים וְאַרְבַּע מַתָּנוֹת כְּהוּנָּה הֵן, וְכוּלָּן נִיתְּנוּ לְאַהֲרֹן וּלְבָנָיו בִּכְלָל וּפְרָט וּבְרִית מֶלַח.

Rav Ḥisda said in explanation of the opinion of Ḥiyya bar Rav: **This *baraita* misled Ḥiyya bar Rav, as it is taught** in a *baraita*: **There are twenty-four gifts of the priesthood,**[H] **and all of them were given** in the Torah **to Aaron and his sons by a generalization and a detail, and** with **a covenant of salt.**[N] The verse states: "And the Lord spoke to Aaron: And I, behold, I have given you the charge of My gifts; of all the consecrated items of the children of Israel to you have I given them for prominence, and to your sons, as an eternal portion" (Numbers 18:8). After this generalization, the Torah proceeds to list the gifts in detail. Finally, after delineating all the gifts of the priesthood, the verse states: "It is an everlasting covenant of salt" (Numbers 18:19), assuring Aaron that just as a covenant of salt is unbreakable, so too, the gifts of the priesthood are eternal.

NOTES

And with a covenant of salt – וּבְרִית מֶלַח: Rashi explains that just as a covenant of salt is unbreakable, so too, the gifts of the priesthood are given eternally to the priests. In his commentary on the Torah, Rashi provides two additional explanations for the depiction of the giving of the gifts as a covenant of salt: God made a covenant with Aaron by means of that which is healthy, enduring, and can heal others, i.e., salt; and that like salt, the covenant with Aaron never spoils.

HALAKHA

There are twenty-four gifts of the priesthood – עֶשְׂרִים וְאַרְבַּע מַתָּנוֹת כְּהוּנָּה הֵן: Twenty-four gifts were given to the priests, all of which are delineated in the Torah and were given to Aaron. Any priest who does not believe in them has no portion in the priesthood and is not given these gifts. Eight of the gifts may be consumed by priests only in the Temple, inside the walls of the Temple courtyard. Five of them are consumed only in Jerusalem, within the city walls. Five are given to priests only inside Eretz Yisrael, while five are given to priests whether inside or outside of Eretz Yisrael. Finally, one of the gifts is granted to the priests serving in the Temple.

The eight gifts that may be consumed only in the Temple are the meat of a sin offering, whether a bird sin offering or an animal; the meat of a guilt offering, both a provisional and a definite guilt offering; communal peace offerings; the remainder of the *omer* meal offering; the remainder of an Israelite's meal offering; the two loaves offering brought on *Shavuot*; the shewbread; and the *log* of oil of a leper. The five gifts that may be consumed only within the city walls of Jerusalem are the breast and thigh of a peace offering; the portions separated from a thanks offering; the portions separated from a nazirite's ram; an unblemished kosher firstborn animal; and first fruits. The five gifts that are granted to priests only in Eretz Yisrael are *teruma*, *teruma* of the tithe, and *ḥalla*, all of which have sanctity; and first shearing and ancestral fields, which have no sanctity. The five gifts that are granted to priests anywhere are the gifts of the foreleg, the jaw, and the maw; the redemption money of a firstborn son; a firstborn donkey; property stolen from a convert who has no heirs; and dedications. All of these are non-sacred. The gift that is granted to the priests serving in the Temple is the skins of offerings of the most sacred order (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 1:1, 3–8, and see *Kesef Mishne* and Radbaz there).

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כָּל הַמְקַיְּימָן – כְּאִילּוּ קַיֵּים בִּכְלָל וּפְרָט וּבְרִית מֶלַח, וְכָל הָעוֹבֵר עֲלֵיהֶן – כְּאִילּוּ עוֹבֵר עַל בִּכְלָל וּפְרָט וּבְרִית מֶלַח.

The *baraita* continues: Therefore, **anyone who fulfills** the mitzva of giving the gifts of the priesthood is considered **as though he fulfills** all these mitzvot that are derived using the principle of **a generalization and a detail, and** as though he has upheld the **covenant of salt. And anyone who violates** the mitzva of giving the gifts of the priesthood is considered **as though he violates** all of the mitzvot derived by the principle of **a generalization and a detail, and** as though he has not upheld the **covenant of salt.**

וְאֵלּוּ הֵן: עֶשֶׂר בַּמִּקְדָּשׁ, וְאַרְבַּע בִּירוּשָׁלַיִם, וְעֶשֶׂר בַּגְּבוּלִים. עֶשֶׂר בַּמִּקְדָּשׁ: חַטָּאת, וְחַטַּאת הָעוֹף, אָשָׁם וַדַּאי, וְאָשָׁם תָּלוּי, וְזִבְחֵי שַׁלְמֵי צִבּוּר, וְלוֹג שֶׁמֶן שֶׁל מְצוֹרָע, וּשְׁתֵּי הַלֶּחֶם, וְלֶחֶם הַפָּנִים, וּשְׁיָרֵי מְנָחוֹת, וּמִנְחַת הָעֹמֶר.

And these are the twenty-four gifts: **Ten** are consumed **in the Temple, and four in Jerusalem, and ten in the boundaries** of Eretz Yisrael. The **ten** gifts consumed only **in the Temple** are an animal **sin offering; and a bird sin offering;** and **a definite guilt offering; and a provisional guilt offering; and communal peace offerings,** i.e., the lambs that accompany the two loaves brought on *Shavuot* and which are considered offerings of the most sacred order; **and** the remainder of **the *log* of oil** that accompanies the guilt offering of a recovered **leper; and the two loaves** offering from the new wheat brought on *Shavuot*; **and the shewbread; and the leftovers of meal offerings; and the *omer* meal offering,** i.e., the measure of barley brought as a communal offering on the sixteenth of Nisan.

וְאַרְבַּע בִּירוּשָׁלַיִם: הַבְּכוֹרָה, וְהַבִּכּוּרִים, וּמוּרָם מִן הַתּוֹדָה וּמֵאֵיל נָזִיר, וְעוֹרוֹת קָדָשִׁים.

And these are the **four** gifts that the priests consume anywhere **in Jerusalem: The** unblemished **firstborn** of kosher animals; **and the first fruits; and the** portions **separated** for the priests **from the thanks offering,** i.e., the breast and thigh and one loaf from each of the four types of loaves brought with a thanks offerings: Cakes, wafers, cakes of fine flour, and leavened bread, **and** the portions separated **from the nazirite's ram,** i.e., the boiled shoulder, a cake, and a wafer, in addition to the breast and thigh of any peace offering; **and** the **hides of sacrificial** animals brought as burnt offerings, sin offerings, and guilt offerings.

וְעֶשֶׂר בַּגְּבוּלִים: תְּרוּמָה, וּתְרוּמַת מַעֲשֵׂר, וְחַלָּה, וְרֵאשִׁית הַגֵּז, וּמַתָּנוֹת, וּפִדְיוֹן הַבֵּן, וּפִדְיוֹן פֶּטֶר חֲמוֹר,

And these are the **ten** gifts that the priests consume anywhere **in the boundaries** of Eretz Yisrael: ***Teruma,*** i.e., the portion of the produce designated for the priest; **and *teruma* of the tithe; and *ḥalla*; and the first sheared** wool; **and the gifts** of the foreleg, the jaw, and the maw; **and** the five *sela* given as **redemption of** the firstborn **son; and** a sheep or goat given as **redemption of the firstborn donkey.**[B]

וּשְׂדֵה אֲחוּזָה, וּשְׂדֵה חֲרָמִים, וְגֵזֶל הַגֵּר.

The *baraita* continues the list: **And a** consecrated **ancestral field** that one did not redeem, which was sold to another by the Temple treasurer and is therefore given to the members of the priestly watch serving during the Jubilee Year; **and a dedicated field; and** payment for the **robbery of a convert** who died without heirs. If one takes an oath that he did not rob from a convert, and after the death of the convert he admits to having taken a false oath, he must pay the principal value of the stolen item and an additional one-fifth of the value, all of which is given to the priests.

הוּא סָבַר: מִדְּקָא חָשֵׁיב לְהוּ לְמַתָּנוֹת בַּחֲדָא – חֲדָא נִינְהוּ. וְלָא הִיא, אַטּוּ מוּרָם מִתּוֹדָה וְאֵיל נָזִיר דְּקָא חָשֵׁיב לְהוּ כַּחֲדָא, מִשּׁוּם דַּחֲדָא נִינְהוּ? אֶלָּא, כֵּיוָן דְּדָמְיָין לַהֲדָדֵי – חָשֵׁיב לְהוּ כַּחֲדָא, הָכִי נַמִּי, כֵּיוָן דְּדָמְיָין לַהֲדָדֵי – חָשֵׁיב לְהוּ כַּחֲדָא.

Rav Ḥisda explains how the *baraita* misled Ḥiyya bar Rav: **He thought** that **from** the fact **that** the *tanna* of the *baraita* **counts the gifts** of the foreleg, the jaw, and the maw **as one** gift, **they are** treated as **one** gift, which means that if one is exempt from one of them he is exempt from all of them. **But it is not so,** as **is that to say** that **the** portions **separated** for the priests **from the thanks offering and** from **the nazirite's ram, which** the *tanna* **counts as one,** are counted this way **because they are one?** Obviously, these are independent gifts. **Rather, since they are similar to one another** the *tanna* **counts them as one. So too,** with regard to the foreleg, the jaw, and the maw, **since they are similar to one another he counts them as one.**

BACKGROUND

Firstborn donkey – פֶּטֶר חֲמוֹר: The Torah requires that a firstborn male donkey be redeemed with a sheep or goat that is given to a priest. Once this transfer is performed, the donkey loses all sanctity of a firstborn animal and may be used for any purpose. Before the transaction, the donkey may not be put to work. If the donkey is not redeemed in this manner, its neck must be broken and no benefit may be derived from its carcass (Exodus 13:13).

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HALAKHA

Except for the gifts – חוּץ מִן הַמַּתָּנוֹת: If a priest sold a cow to an Israelite and stipulated: I am selling you the entire cow except for the gifts contained with it, his stipulation is valid and the Israelite must give those parts to the seller (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:11; *Shulḥan Arukh Yoreh De'a* 61:29).

אִיבַּעְיָא לְהוּ: "הָרֹאשׁ שֶׁלְּךָ, וְכוּלָּהּ שֶׁלִּי", מַהוּ? בָּתַר חִיּוּבָא אָזְלִינַן, וְחִיּוּבָא גַּבֵּי יִשְׂרָאֵל הוּא. אוֹ דִלְמָא בָּתַר עִיקַּר בְּהֵמָה אָזְלִינַן, וְעִיקַּר בְּהֵמָה דִּכְהֵן הוּא?

§ With regard to animals owned in partnership with a priest, the Gemara relates that **a dilemma was raised before** the Sages: If a priest says to an Israelite butcher: Let us enter into partnership in ownership of a live animal, in which **the head is yours and the entire** remainder **is mine, what is** the *halakha*? Is the Israelite obligated to give the jaw to a priest when it is slaughtered? The Gemara explains the sides of the dilemma: Do **we follow the obligation,** i.e., the limbs of the animal which contain the gifts, **and** since **the obligation is** owned **by the Israelite** he is obligated? **Or perhaps, we follow the principal** part of the **animal, and** since **the principal** of the **animal is** in the possession **of the priest,** the Israelite is exempt?

תָּא שְׁמַע: גּוֹי וְכֹהֵן שֶׁמָּסְרוּ צֹאנָם לְיִשְׂרָאֵל לְגָזְזוֹ – פָּטוּר. הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל גּוֹי – פָּטוּר מֵרֹאשִׁית הַגֵּז.

The Gemara suggests: **Come** and **hear** a proof from a *baraita*: With regard to **a gentile or a priest who transferred his sheep to an Israelite** to act as his agent **to shear** it, the Israelite is **exempt** from giving the first sheared wool to a priest. Similarly, **one who purchases** the **shearing** of the **sheep of a gentile,** even before the sheep was actually sheared, is **exempt from** giving **the first sheared** wool.

וְזֶה חוֹמֶר בַּזְּרוֹעַ וּבַלְּחָיַיִם וּבַקֵּבָה יוֹתֵר מֵרֹאשִׁית הַגֵּז. שְׁמַע מִינָּהּ: בָּתַר חִיּוּבָא אָזְלִינַן, שְׁמַע מִינָּהּ.

The *baraita* adds: **And this,** the *halakha* in a case where one purchases an item before the obligation of a certain gift of the priesthood takes effect, **is a stringency** that applies **in** the case of **the foreleg, the jaw, and the maw more so than** in the case of the **first sheared** wool. In other words, one who purchases wool from a priest before it is shorn is exempt from giving first sheared wool, whereas one who purchases part of an animal from a priest before its slaughter is obligated to give any gifts contained within the purchased portion. Since this is the *halakha* even if the portion he purchased is not the principal part, similar to the stated case of one who purchases only the shearing of the sheep of a gentile, one can **conclude from** this *baraita* that **we follow the obligation,** i.e., the limbs of the animal that contain the gifts. The Gemara concludes: Indeed, **conclude from it** that this is correct.

"וְאִם אָמַר לוֹ חוּץ מִן הַמַּתָּנוֹת פָּטוּר מִן הַמַּתָּנוֹת".

§ The mishna teaches: **And if** a priest sold his animal to an Israelite and **said** that he is selling everything **except for the gifts**[H] with it, the Israelite is **exempt from** the obligation to give **the gifts,** because they are not his.

Perek **X**
Daf **134** Amud **a**

HALAKHA

On the condition that the gifts are mine – עַל מְנָת שֶׁהַמַּתָּנוֹת שֶׁלִּי: If a priest sold his cow to an Israelite and stipulated: I am selling this cow to you on the condition that the gifts are mine, the stipulation is void. Nevertheless, the sale is valid, and the buyer may give the gifts to a priest of his choosing (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:11; *Shulḥan Arukh*, *Yoreh De'a* 61:29).

NOTES

On the condition is not one of retention – עַל מְנָת לָאו שִׁיּוּרָא: The commentaries raise the following difficulty: Since the buyer may give the gifts to a priest of his choosing, the sale should be invalidated, as the priest stipulated that the buyer must give the gifts to him. *Tosafot* suggest two explanations: The first is that the *baraita* is referring to a case where the priest stipulated that even if the condition is unfulfilled, the sale remains valid. The second is that the sale remains valid even if the condition is unfulfilled, because this stipulation that the gifts must be given to a particular priest is counter to that which is written in the Torah, and such a stipulation is void.

וּרְמִינְהוּ: "עַל מְנָת שֶׁהַמַּתָּנוֹת שֶׁלִּי" – נוֹתֵן לְכָל כֹּהֵן שֶׁיִּרְצֶה!

The Gemara objects: **But** one can **raise a contradiction** from a *baraita*: If a priest sells his animal to an Israelite and stipulates: I am selling it **on the condition that the gifts are mine,**[H] the Israelite is not obligated to give the gifts to that priest. Rather, he **gives** the gifts **to any priest that he wants.** Since the priest sold his animal, the priest cannot issue a condition involving the gifts, as they no longer belong to him but to the entire tribe of priests. The *baraita* indicates that the Israelite is nevertheless obligated to give the gifts, which apparently contradicts the ruling of the mishna.

"עַל מְנָת" אַ"חוּץ" קָא רָמֵית? "חוּץ" – שִׁיּוּרָא, "עַל מְנָת" – לָאו שִׁיּוּרָא.

The Gemara responds: Do **you raise a contradiction** from a *baraita* that discusses a case where the priest states: **On the condition** that the gifts are mine, **with regard to** the case of the mishna, where the priest states: **Except** for the gifts? That is not a contradiction, as the word **except** is a term of **retention,** i.e., the priest retains the gifts and does not sell them to the Israelite. By contrast, the term: **On the condition,** is **not** one of **retention,**[N] as the priest does not keep the gifts for himself but instead stipulates that the buyer must give the gifts to him. The priest is not authorized to issue such a stipulation and it is therefore disregarded entirely, and because the Israelite owns the gifts he must give them to a priest.

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וּרְמִינְהוּ: ״עַל מְנָת שֶׁהַמַּתָּנוֹת שֶׁלִּי״ – הַמַּתָּנוֹת שֶׁלּוֹ! בְּהָא פְּלִיגִי, מָר סְבַר: ״עַל מְנָת״ – שִׁיּוּרָא הוּא, וּמָר סְבַר: ״עַל מְנָת״ – לָאו שִׁיּוּרָא הוּא.

The Gemara objects: **But** one may **raise a contradiction** against the previous *baraita* from another *baraita*: If a priest sells his animal to an Israelite and stipulates: I am selling it **on the condition that the gifts are mine, the gifts are his** and the Israelite must give the gifts to that priest. The Gemara responds: There is a dispute between the *tanna'im* of these *baraitot*, and **they disagree with regard to this** matter: One **Sage,** the *tanna* of the second *baraita*, **holds** that the term: **On the condition, is** one of **retention,** and the priest therefore retains possession of the gifts. **And** one **Sage,** the *tanna* of the first *baraita*, **holds** that: **On the condition, is not** a term of **retention,** and the priest is not authorized to stipulate that the buyer must give the gifts to him.

״אָמַר לוֹ מְכוֹר לִי בְּנֵי מֵעֶיהָ״ וכו׳. אָמַר רַב: לֹא שָׁנוּ אֶלָּא שֶׁשָּׁקַל לְעַצְמוֹ, אֲבָל שָׁקַל לוֹ טַבָּח – הַדִּין עִם הַטַּבָּח. וְרַב אַסִי אָמַר: אֲפִילּוּ שָׁקַל לוֹ טַבָּח – הַדִּין עִמּוֹ.

§ The mishna teaches that if one **said to** a butcher: **Sell me the innards** of a cow that you slaughtered, and there were gifts, i.e., the maw, included with it, the buyer gives the gifts to the priest and does not deduct its value from the money that he pays to the butcher. If he bought the innards by weight, the buyer gives the maw to the priest and deducts its value from the money he pays to the butcher. With regard to innards purchased by weight, **Rav says:** The Sages **taught** that the buyer gives the maw to the priest **only when** the buyer **weighed** the innards **for himself** when purchasing them. In such a case, the priest claims the maw from the buyer. **But** if the **butcher weighed** the innards **for** the buyer, **the judgment is** also **with the butcher,** i.e., the priest may claim the maw from either the butcher or the buyer. **And Rav Asi says: Even** if the **butcher weighed** the innards **for** the buyer, **the judgment is with** the buyer alone.

לֵימָא בִּדְרַב חִסְדָּא קָא מִיפַּלְגִי, דְּאָמַר רַב חִסְדָּא: גָּזַל וְלֹא נִתְייָאֲשׁוּ הַבְּעָלִים, וּבָא אַחֵר וַאֲכָלוֹ – רָצָה מֵזֶה גּוֹבֶה, רָצָה מִזֶּה גּוֹבֶה. דְּמָר אִית לֵיהּ דְּרַב חִסְדָּא, וּמָר לֵית לֵיהּ דְּרַב חִסְדָּא.

The Gemara suggests: **Let us say** that **they disagree with regard to** a statement **of Rav Ḥisda, as Rav Ḥisda said:** In a case where one **robbed** another of an item, **and the owners had not despaired**[B] **of retrieving** it, **and another** person **came and consumed** the stolen item,[H] if the owner **wants, he** may **collect** the value of the stolen item **from this one,** the robber, and if he **wants, he** may **collect from that one** who consumed it. The suggestion is **that** one **Sage,** Rav, **holds** in accordance with the opinion **of Rav Ḥisda,** and he therefore holds that the priest may claim the maw from either the buyer or the butcher; **and** one **Sage,** Rav Asi, **does not hold** in accordance with the opinion **of Rav Ḥisda,** and the priest may therefore claim the maw from the buyer alone.

לָא, דִּכּוּלֵי עָלְמָא אִית לְהוּ דְּרַב חִסְדָּא, וְהָכָא בְּמַתָּנוֹת כְּהוּנָּה נְגָזְלוֹת קָא מִיפַּלְגִי. דְּמָר סְבַר: נְגָזְלוֹת, וּמָר סְבַר: אֵין נְגָזְלוֹת.

The Gemara rejects this suggestion: **No; everyone holds** in accordance with the opinion **of Rav Ḥisda, and here they disagree with regard to** whether or not **gifts of the priesthood can be stolen.**[H] **As** one **Sage,** Rav, **holds** that they **can be stolen,** and accordingly the robber remains responsible for them even if they are consumed by another. Consequently, if the butcher weighed the innards, the priest may claim the gifts from either the butcher or the buyer. **And** one **Sage,** Rav Asi, **holds** that gifts of the priesthood **cannot be stolen.** Since technically one cannot steal the gifts, the obligation to return them to the priest rests solely on the one in physical possession of them. Accordingly, the priest may claim the gifts from the buyer alone, as the gifts are in his custody.

BACKGROUND

Despair – יֵאוּשׁ: This is referring to the owner's despair of recovering an article that was lost or stolen. A lost article whose owner has despaired of recovering it is considered ownerless and may be acquired by the finder. If an article is lost in a natural disaster, e.g., a flood, the owner is considered to have immediately despaired of its recovery. With regard to stolen property, the owner's despair of regaining possession of the article might negate his ownership over the property and allow it to be acquired by the person to whom it is given or sold to by the thief. If so, there is no requirement to return the stolen object to the owner. Nevertheless, the thief must still compensate the owner for its value. Whether despair alone effects this transfer or not is the subject of a dispute in the Talmud.

HALAKHA

Where one robbed another and the owners had not despaired of retrieving it, and another came and consumed the stolen item – גָּזַל וְלֹא נִתְייָאֲשׁוּ הַבְּעָלִים וּבָא אַחֵר וַאֲכָלוֹ: In a case where one robbed another, and before the owner despaired of retrieving the stolen item another came and consumed it, if the owner wants to collect from the one who consumed the item he may do so, since the item still belongs to the owner. If he prefers to collect from the robber instead, he has the right to do so (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 5:4; *Shulḥan Arukh*, *Ḥoshen Mishpat* 361:5).

Gifts of the priesthood can be stolen – מַתָּנוֹת כְּהוּנָּה נְגָזְלוֹת: It is prohibited for an Israelite to consume gifts of the priesthood without the permission of a priest. If he transgressed this prohibition and consumed them, damaged them, or sold them, the court does not force him to pay, as the gifts are considered like money that has no claimants. Nevertheless, he is obligated to pay by the laws of Heaven. If one purchases gifts of the priesthood from an Israelite, although it is prohibited to do so, he may consume them, as gifts of the priesthood can be stolen (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:14; *Shulḥan Arukh*, *Yoreh De'a* 61:31 and *Shakh* there).

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HALAKHA

A convert who converted and he had a cow, etc. – גֵּר שֶׁנִּתְגַּיֵּיר וְהָיְתָה לוֹ פָּרָה וכו׳: With regard to one who converted and owned a cow, if it was slaughtered before his conversion, he is exempt from giving the gifts of the priesthood from that cow. If it was slaughtered after his conversion, he is obligated to give gifts of the priesthood from it. If there is uncertainty whether it was slaughtered before or after his conversion, he is exempt, as the burden of proof rests upon the claimant (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:13; *Shulḥan Arukh*, *Yoreh De'a* 61:33).

Grain found in ant holes that are inside the standing crop – חוֹרֵי הַנְּמָלִים שֶׁבְּתוֹךְ הַקָּמָה: Grain that is found inside ant holes belongs to the owner of the field if the holes are inside the standing crop, as there are no gifts for the poor from the standing crop. If the holes are in an already harvested area, the grain belongs to the poor, as it is possible that the grain is gleanings that were dragged by the ants into the hole. Even if the grain is black, it is not assumed to be from previous years, as grain whose status as gleanings is uncertain is considered gleanings, in accordance with the opinion of Rabbi Meir (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 4:9).

אִיכָּא דְּמַתְנֵי לָהּ לְהָא שְׁמַעְתָּא בִּפְנֵי עַצְמָהּ, רַב אָמַר: מַתָּנוֹת כְּהוּנָּה נִגְזָלוֹת, וְרַב אַסִי אָמַר: מַתָּנוֹת כְּהוּנָּה אֵין נִגְזָלוֹת.

The Gemara notes that **some teach this *halakha*,** that there is a dispute between Rav and Rav Asi as to whether or not gifts of the priesthood can be stolen, **by itself,** i.e., as an independent dispute between them rather than in explanation of another dispute: **Rav says** that **gifts of the priesthood can be stolen, and Rav Asi says** that **gifts of the priesthood cannot be stolen.**

מתני׳ גֵּר שֶׁנִּתְגַּיֵּיר וְהָיְתָה לוֹ פָּרָה. נִשְׁחֲטָה עַד שֶׁלֹּא נִתְגַּיֵּיר – פָּטוּר, מִשֶּׁנִּתְגַּיֵּיר – חַיָּיב. סָפֵק – פָּטוּר, שֶׁהַמּוֹצִיא מֵחֲבֵירוֹ עָלָיו הָרְאָיָה.

MISHNA In the case of **a convert who converted and he had a cow,**[H] if the cow **was slaughtered before** he **converted,** he is **exempt** from giving the gifts to the priest. If the animal was slaughtered **after he converted,** the convert is **obligated** to give the gifts. If there is **uncertainty** whether it was slaughtered before or after the conversion, the convert is **exempt, as the burden of proof rests upon the claimant.**[B]

גמ׳ כִּי אֲתָא רַב דִּימִי אָמַר, רְמֵי לֵיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ לְרַבִּי יוֹחָנָן: תְּנַן, סָפֵק – פָּטוּר. אַלְמָא סְפֵיקָא לְקוּלָּא.

GEMARA The mishna teaches that if there is an uncertainty whether an individual is obligated to give gifts of the priesthood, he is exempt from giving them. In this regard, the Gemara relates that **when Rav Dimi came** from Eretz Yisrael to Babylonia, **he said** that **Rabbi Shimon ben Lakish raised a contradiction to Rabbi Yoḥanan: We learned** in the mishna that when there is **an uncertainty** one is **exempt** from giving the gifts. **Evidently,** in cases of **uncertainty** the *halakha* is **to** be **lenient.**

וּרְמִינְהוּ, חוֹרֵי הַנְּמָלִים שֶׁבְּתוֹךְ הַקָּמָה – הֲרֵי אֵלּוּ שֶׁל בַּעַל הַבַּיִת, וְשֶׁלְּאַחַר הַקּוֹצְרִים, הָעֶלְיוֹנִים – לָעֲנִיִּים, וְהַתַּחְתּוֹנִים – שֶׁל בַּעַל הַבַּיִת.

But one can **raise a contradiction** from that which is taught in another mishna (*Pe'a* 4:11) with regard to gleanings left for the poor: In a case of grain found in **ant holes that are inside the standing** crop[H] in an area of the field that was not harvested, **these are** the property **of the owner** of the field, as this grain does not have the status of gleanings. **And** in the case of grain found in ant holes **that are behind the harvesters** in an already harvested area, **the upper** wheat stalks, i.e., those stalks found at the mouth of the holes, belong **to the poor,** as they are assumed to be gleanings that fell from the bundles when that area was harvested, **and the lower** wheat inside the holes are the property **of the owner,** since it is possible that they were collected by the ants before the harvest and are not gleanings.

רַבִּי מֵאִיר אוֹמֵר: הַכֹּל לָעֲנִיִּים, שֶׁסָּפֵק לָקֶט – לָקֶט!

Rabbi Meir says: Everything goes **to the poor, as** grain whose status as **gleanings** is **uncertain** is considered **gleanings.** According to Rabbi Meir, the *halakha* is stringent in the case of an uncertainty with regard to gifts left for the poor. This apparently contradicts the mishna's statement that one is lenient in the case of an uncertainty with regard to gifts of the priesthood, as these gifts are similar in this regard to gifts left for the poor. Since any unattributed mishna is considered to be in accordance with the opinion of Rabbi Meir, this is apparently a contradiction with regard to the opinion of Rabbi Meir.

אָמַר לֵיהּ: אַל תַּקְנִיטֵנִי, שֶׁבִּלְשׁוֹן יָחִיד אֲנִי שׁוֹנֶה אוֹתָהּ. דְּתַנְיָא, רַבִּי יְהוּדָה בֶּן אַגְרָא אוֹמֵר מְשׁוּם רַבִּי מֵאִיר: סְפֵק לֶקֶט – לֶקֶט, סְפֵק שִׁכְחָה – שִׁכְחָה, סְפֵק פֵּאָה – פֵּאָה.

Rabbi Yoḥanan **said to** Rabbi Shimon ben Lakish: **Do not trouble me** with this contradiction, **as I teach** that *baraita* **in the singular,** i.e., it is not certain that this is the opinion of Rabbi Meir; rather, it is merely the claim of one Sage that this is Rabbi Meir's opinion. **As it is taught** in a *baraita* that **Rabbi Yehuda ben Agra says in the name of Rabbi Meir:** Grain whose status as **gleanings** is **uncertain** is considered **gleanings;** grain whose status as **forgotten** sheaves is **uncertain** is considered **forgotten** sheaves; and grain whose status as ***pe'a*** is **uncertain** is considered ***pe'a.*** Therefore, one should not raise a contradiction to the mishna from the statement of a single Sage claiming to represent the opinion of Rabbi Meir.

BACKGROUND

The burden of proof rests upon the claimant – הַמּוֹצִיא מֵחֲבֵירוֹ עָלָיו הָרְאָיָה: This is a principle in monetary disputes, according to which the burden of proof is placed upon the plaintiff when he claims property that is in the possession of the defendant. If the plaintiff cannot provide such proof, the article remains in the hands of the defendant despite the fact that he too is unable to prove ownership. It is only in unusual circumstances that this principle is not applied.

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אָמַר לוֹ: אַל תִּשְׁנֶה אוֹתָהּ אֶלָּא בִּלְשׁוֹן בֶּן תְּדַל, וְהָא טַעֲמָא קָאָמַר. דַּאֲמַר רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: מַאי דִּכְתִיב ״עָנִי וָרָשׁ הַצְדִּיקוּ״? מַאי ״הַצְדִּיקוּ״?

Rabbi Shimon ben Lakish **said to** Rabbi Yoḥanan: Even if **you teach that** *baraita* **only in a language** whereby a certain imbecile named **ben Tedal** states that this is the opinion of Rabbi Meir, a question remains, as **isn't** there **a stated reason** for stringency in cases of uncertainties with regard to gifts left for the poor? **As Rabbi Shimon ben Lakish said: What** is the meaning of that **which is written: "Do justice to the afflicted and destitute"** (Psalms 82:3)? Specifically, **what is** the meaning of **"do justice"?**

אִילֵימָא בְּדִינִים – וְהָא כְּתִיב ״וְדָל לֹא תֶהְדַּר בְּרִיבוֹ״. אֶלָּא – צַדֵּק מִשֶּׁלְךָ וְתֵן לוֹ!

If we say that it means that one should do justice **in judgments,** i.e., a judge should sway judgments in favor of the afflicted and destitute, **but isn't it written: "Neither shall you favor a poor man in his cause"** (Exodus 23:3)? **Rather,** the verse is teaching that in cases of uncertainty with regard to gifts left for the poor, **be righteous with that which is yours and give it to** the poor. Why, then, is the *halakha* stringent in the case of gifts left for the poor but lenient with regard to gifts to priests?

אֲמַר רָבָא: הָכָא – פָּרָה בְּחֶזְקַת פְּטוּרָה קַיְימָא, קָמָה – בְּחֶזְקַת חִיּוּבָא קַיְימָא.

Rava said in response: **Here,** in the case of gifts of the priesthood, the *halakha* is lenient because the **cow** of a convert **maintains** the **presumptive status of exemption,**[N] as the obligation of the gifts did not apply to the cow before the convert converted. By contrast, the *halakha* is stringent in the case of the gifts left for the poor, as the **standing** crop **maintains** the **presumptive status of obligation.**

אֲמַר לֵיהּ אַבַּיֵי: וְהֵרֵי עִיסָּה נַעֲשֵׂית עַד שֶׁלֹּא נִתְגַּיֵּיר – פָּטוּר מִן הַחַלָּה, מִשֶּׁנִּתְגַּיֵּיר – חַיָּיב, סָפֵק – חַיָּיב!

Abaye said to Rava: **But** with regard to the **dough** of a convert, the *halakha* is that if **it was prepared before he converted**[H] he is **exempt from** separating ***ḥalla*** from this dough, and if it was prepared **after he converted,** he is **obligated** to separate *ḥalla* from it. And if there is an **uncertainty** as to whether the dough was prepared before or after his conversion, he is **obligated,** despite the fact that dough prepared by a gentile is exempt from *ḥalla*. Why isn't the convert exempt from separating *ḥalla* just as he is exempt from giving gifts of the priesthood in the case of an uncertainty, as both the dough and the cow maintain a presumptive status of exemption?

אֲמַר לֵיהּ: סָפֵק אִיסּוּרָא – לְחוּמְרָא, סָפֵק מָמוֹנָא – לְקוּלָּא.

Rava **said to** Abaye: There is a difference between *ḥalla* and gifts of the priesthood. Although the dough maintains the presumptive status of exemption, here there is also uncertainty with regard to a prohibition, as a non-priest who consumes *ḥalla* is liable to receive the punishment of death at the hand of Heaven. And whenever there is **an uncertainty** with regard to **a prohibition,** the *halakha* is **to** be **stringent.** Conversely, uncertainties with regard to gifts of the priesthood involve no prohibition and are strictly monetary, and whenever there is **an uncertainty** with regard to **monetary matters,** the *halakha* is **to** be **lenient.** Consequently, one relies on the presumptive status of exemption in the case of a cow, and the convert is exempt from giving the gifts to the priest.

דַּאֲמַר רַב חִסְדָּא, וְכֵן תָּנֵי רַבִּי חִיָּיא: שְׁמוֹנָה סְפֵקוֹת נֶאֶמְרוּ בַּגֵּר, אַרְבַּע לְחִיּוּב וְאַרְבַּע לְפָטוּר. קָרְבַּן אִשְׁתּוֹ,

As Rav Ḥisda said, and Rabbi Ḥiyya teaches likewise: Eight instances of **uncertainties were stated with regard to the convert;** in **four** instances the *halakha* is **that** there is **an obligation, and** in the other **four** instances the *halakha* is **that** there is **an exemption.** These are the four instances where the *halakha* is stringent: The first is an uncertainty with regard to the **offering of** one's **wife**[H] who gave birth, where it is uncertain whether she gave birth before her conversion and she is exempt from bringing an offering, or after her conversion and she is obligated. This case involves a prohibition, as a woman who does not bring her atonement offering is liable to receive *karet* for consuming sanctified items.

NOTES

Here the cow maintains the presumptive status of exemption – הָכָא פָּרָה בְּחֶזְקַת פְּטוּרָה קַיְימָא: One way of explaining this difference is as follows: Due to the cow's presumptive status of exemption, the very applicability of the obligation to give the gifts of the priesthood is itself uncertain. By contrast, the obligation to leave gleanings for the poor definitely applied to this stalk, as to the entire crop; the only uncertainty is whether this particular stalk is considered part of the gleanings.

HALAKHA

Dough if it was prepared before he converted – עִיסָּה נַעֲשֵׂית עַד שֶׁלֹּא נִתְגַּיֵּיר: One who converted and owned dough is exempt from separating *ḥalla* if he rolled the dough before his conversion. If he rolled it after his conversion, he is obligated. If there is an uncertainty as to whether he rolled it before or after his conversion, he is obligated (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 8:9; *Shulḥan Arukh*, *Yoreh De'a* 330:4).

The offering of one's wife – קָרְבַּן אִשְׁתּוֹ: If it is uncertain whether a woman gave birth before or after her conversion, she brings a sin offering due to uncertainty, and it is not consumed (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:11).

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וְחַלָּה, וּבְכוֹר בְּהֵמָה טְמֵאָה, וּבְכוֹר בְּהֵמָה טְהוֹרָה – לְחִיּוּב,

And the second case is an uncertainty with regard to the obligation to separate ***ḥalla*** from his dough, which also involves a prohibition, as explained above. **And** the third case is an uncertainty with regard to a male **firstborn non-kosher animal,** i.e., a firstborn donkey, where it is uncertain if it was born before or after the owner's conversion, which involves the prohibition against deriving benefit from it before its redemption. **And** the fourth case of an uncertainty is with regard to a male **firstborn of a kosher animal,** where it is uncertain if it was born before or after the owner's conversion, where one can be liable to receive *karet* for slaughtering it outside the Temple courtyard. In these four cases, the *halakha* is **that** there is **an obligation.**

Perek **X**
Daf **134** Amud **b**

BACKGROUND

Ravens – עוֹרְבִים: This is referring to members of an extensive order of birds known as Passeriformes. Although these birds generally eat flesh, either from corpses or small creatures, some are known to consume fruit.



Fan-tailed raven

Bats – עֲטַלֵּפִים: The bat is a member of the order Chiroptera, and is a mammal that is capable of flight. Bats live in dark places and are generally active at night. They also have exceptional hearing. While most bats feed on insects, some eat mainly fruit.



Egyptian fruit bat

HALAKHA

And not for the ravens nor for the bats – וְלֹא לָעוֹרְבִים וְלֹא לָעֲטַלֵּפִים: The verse states with regard to gifts left for the poor: "You shall leave them for the poor and for the stranger," and the Sages derived that this applies only if there are poor people to claim them. Therefore, if the poor ceased to come to one's field to claim their gifts, the gifts may be taken by anyone, as they have no sanctity. Additionally, one who takes them need not pay anything to the poor, as the verse does not state: You shall give them, but: "You shall leave them," and one is obligated only to leave them for the poor, not for the ravens or bats (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 1:10; *Shulḥan Arukh*, *Yoreh De'a* 332:1, and see *Shakh* and *Pitḥei Teshuva* there).

רֵאשִׁית הַגֵּז, וְהַמַּתָּנוֹת, וּפִדְיוֹן הַבֵּן, וּפִדְיוֹן פֶּטֶר חֲמוֹר – לִפְטוּר.

And these are the four uncertainties with regard to a convert where the *halakha* is lenient: The first is an uncertainty with regard to **the first sheared** wool of one's sheep, where it is uncertain whether they were shorn before or after his conversion. **And** the second is whether or not the obligation of giving **the gifts** of the foreleg, the jaw, and the maw applies to his animal. **And** the third is an uncertainty with regard to the obligation to give five *sela* for the mitzva of the **redemption of** the firstborn **son,** where it is uncertain if he was born before or after the owner's conversion. **And** the last is an uncertainty with regard to the **redemption of a firstborn donkey** by means of a sheep or a goat, where it is uncertain if it was born before or after the owner's conversion. In each of these instances, the uncertainty is only with regard to monetary matters, and therefore the *halakha* is **that** one is **exempt.**

כִּי אֲתָא רָבִין אֲמַר: קָמָה אַקָּמָה רְמִי לֵיהּ.

In connection to the previous discussion between Rabbi Shimon ben Lakish and Rabbi Yoḥanan, the Gemara relates that **when Ravin came** from Eretz Yisrael to Babylonia, **he said** a slightly different version of the above discussion: Rabbi Shimon ben Lakish **raised** the **contradiction** to the opinion of Rabbi Meir from a *baraita* that states that Rabbi Meir exempts the **standing** crop of a convert from the obligation to leave gleanings for the poor when it is uncertain whether the crop was harvested before or after his conversion. This *baraita* is in contradiction **to** the *baraita* that likewise discusses the **standing** crop: Grain whose status as gleanings is uncertain is considered gleanings. Rabbi Yoḥanan resolved this contradiction by explaining that the second *baraita* is the opinion of Rabbi Meir only according to Rabbi Yehuda ben Agra.

לֵוִי זָרַע בְּכִישַׁר, וְלָא הָווּ עֲנִיִּים לְמִשְׁקַל לֶקֶט. אֲתָא לְקַמֵּיהּ דְּרַב שֵׁשֶׁת, אֲמַר לֵיהּ: "לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם" – וְלֹא לָעוֹרְבִים וְלֹא לָעֲטַלֵּפִים.

§ With regard to gifts left for the poor, the Gemara relates that **Levi sowed** crops in his field **in Kishar, but there were no poor** people in Kishar **to take gleanings** from his field. Levi **came before Rav Sheshet** to ask what should be done with the gleanings. Rav Sheshet **said to him:** The verse states with regard to the mitzvot of *pe'a* and gleanings: "**You shall leave them for the poor and for the stranger**" (Leviticus 23:22), **and not for the ravens**[B] **nor for the bats.**[BHN] Since there are no poor people to take the gleanings, you should take them for yourself.

NOTES

You shall leave them for the poor and for the stranger, and not for the ravens nor for the bats – לֶעָנִי וְלַגֵּר תַּעֲזֹב אֹתָם וְלֹא לָעוֹרְבִים וְלֹא לָעֲטַלֵּפִים: Similarly, one may not leave them for gentiles. Accordingly, the Rema writes (*Shulḥan Arukh*, *Yoreh De'a* 332:1) that the mitzva to leave gleanings in the field no longer applies even in Eretz Yisrael, as in his time the majority of its inhabitants were gentiles and if one leaves them in the field a gentile is likely to come and take them. The later commentaries add another reason why one should not leave gleanings in one's field even in modern times, when the majority of the inhabitants in Eretz Yisrael are Jewish: It is uncommon for a poor person to venture into a field in search of gleanings and other gifts left for the poor. Therefore, if one leaves them and the poor do not take them, one would violate the injunction of the Gemara: You shall leave them for the poor and for the stranger, and not for the ravens or for the bats (*Ḥazon Ish*).

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מֵיתִיבִי: אֵין מְבִיאִין תְּרוּמָה לֹא מִגּוֹרָן לָעִיר וְלֹא מִמִּדְבָּר לַיִּשּׁוּב, וְאִם אֵין שָׁם כֹּהֵן – שׂוֹכֵר פָּרָה וּמְבִיאָהּ, מִפְּנֵי הֶפְסֵד תְּרוּמָה!

The Gemara **raises an objection** from a *baraita*: The owner of a field **does not** need to expend the effort to **bring *teruma*, neither from the threshing floor to the city nor from the wilderness to a settled area,**[H] in order to give it to a priest. Rather, the priest must travel to the field to receive the *teruma*. **And if there is no priest there,** at the threshing floor or in the wilderness, to receive the *teruma*, the owner must **hire a cow and bring** the *teruma* to the city, **due to** the **loss of *teruma*** that would occur if it were left in the field. According to this *baraita*, the owner of the field should likewise be obligated to do the same with gleanings.

שָׁאנֵי תְּרוּמָה – דְּטָבְלָה, וְלָא סַגְיָא דְּלָא מַפְרִישׁ לָהּ.

The Gemara explains: ***Teruma* is different,** in **that** if it is not separated **it** causes the entire crop to be considered **untithed, and** it is therefore **not possible for** one **not** to **separate** *teruma* from the crop. By contrast, gleanings do not render the remaining crop prohibited for consumption, and therefore it is not necessary to set them aside and remove them.

וַהֲרֵי מַתָּנוֹת דְּלָא טָבְלִי, וְתַנְיָא: מָקוֹם שֶׁנָּהֲגוּ לְמְלוֹג בַּעֲגָלִים – לֹא יַפְשִׁיט אֶת הַזְּרוֹעַ.

The Gemara objects: **But** what about the case of the **gifts** of the priesthood, **which do not render** the rest of the animal **untithed,** i.e., they do not prohibit the entire animal in consumption before they are separated. **And** nevertheless **it is taught** in a *baraita*: In a **place where they were accustomed to put the** meat of slaughtered **calves in boiling water** in order to remove the hairs from the skin, and then eat the meat with the skin still attached to the flesh, one **may not skin the foreleg** before giving it to the priest. Rather, he gives it with its skin intact.

לְהַפְשִׁיט אֶת הָרֹאשׁ – לֹא יַפְשִׁיט אֶת הַלֶּחִי. וְאִם אֵין שָׁם כֹּהֵן – מַעֲלִין אוֹתָן בְּדָמִים וְאוֹכְלָן, מִפְּנֵי הֶפְסֵד כֹּהֵן!

The *baraita* continues: Similarly, in a place where people are accustomed **to skin the head** of an animal, one **may not skin the** cheek of the **jaw** of an animal before giving it to the priest, but must give it with its skin intact so that the priest may use the skin as he wishes. **And if there is no priest** available to receive the gifts, the gifts are **appraised** by their **monetary** value, **and** the owner may **eat them** and gives their monetary value to a priest at the next available time, **due to** the **loss** that would otherwise be incurred by the **priest.** Evidently, one must expend effort to ensure that a priest receives the gifts despite the fact that they do not render the entire animal untithed. Why is the *halakha* different with regard to gleanings?

שָׁאנֵי מַתָּנוֹת כְּהוּנָּה, דִּ״נְתִינָה״ כְּתִיבָא בֵּיהּ. הָשְׁתָּא דְּאָתֵית לְהָכִי, תְּרוּמָה נַמִי: ״נְתִינָה״ כְּתִיבָא בֵּיהּ.

The Gemara responds: The *halakha* **is different** in the case of **gifts of the priesthood, as** a term of **giving is written with regard to it:** "That they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). This teaches that one must actively give the gifts to a priest, whereas no equivalent term is written with regard to gleanings. The Gemara adds: **Now that you have arrived at this** explanation with regard to gifts of the priesthood, one can likewise explain that the reason ***teruma*** must be brought to a locale where there is a priest is **likewise** due to the fact that a term of **giving is written with regard to it:** "The first fruits of your grain, of your wine, and of your oil, and the first sheared wool of your sheep you shall give him" (Deuteronomy 18:4), not because *teruma* renders the crop untithed.

HALAKHA

The owner does not bring *teruma* neither from the threshing floor to the city nor from the wilderness to a settled area, etc. – אֵין מְבִיאִין תְּרוּמָה לֹא מִגּוֹרָן לָעִיר וְלֹא מִמִּדְבָּר לַיִּשּׁוּב וכו׳: An Israelite is not obligated to expend effort in order to bring *teruma* from the threshing floor to the city or from the wilderness to a settled area. Rather, the priests go to the threshing floor and the Israelite gives it to them there. If they do not come to collect it, he separates the *teruma* and places it on the threshing floor. With regard to a case where the threshing floor is unprotected from wild animals who may consume the *teruma*, the Sages decreed that he must bring it to the city, as leaving it on the threshing floor for the animals is a desecration of God's name. In that case, he may collect the cost of its transfer from the priest (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 12:17).

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BACKGROUND

Sack of dinars – שַׂקָּא דִּדְינָרֵי: The sack referred to both by the Torah and the Sages was fashioned from a coarse fabric that came from goats' hair. It was sometimes sewn in the shape of a sack and sometimes in other shapes. Since most goats in those times had black hair, the color of the sack was usually black as well. Sacks were generally transported by donkey, often together in pairs, with the sacks tied together and hanging down the two sides of the donkey's body. These sacks were used for storing various types of items, including coins.



Roman-style leather money bag

NOTES

In beauty, in wisdom, and in wealth – בְּנוֹי בְּחָכְמָה וּבְעוֹשֶׁר: In manuscripts and the parallel passage in tractate *Horayot* 9a, strength is also mentioned as a quality of the High Priest. In addition, some manuscripts mention honor as well.

וְאִלָּא ״תַּעֲזֹב״ יְתֵירָא לָמָּה לִי?

The Gemara asks: **But** if so, **why do I** need the verse to state **an extra** term of **leaving** with regard to gleanings? One verse states: "Neither shall you gather the gleaning of your harvest, and your vineyard you shall not harvest completely, and the fallen fruit of your vineyard you shall not gather; you shall leave them for the poor and for the stranger" (Leviticus 19:9–10), and another verse states: "Neither shall you gather the gleaning of your harvest; you shall leave them for the poor and for the stranger" (Leviticus 23:22). Doesn't this additional mention of leaving indicate that even if there are no poor people to take the gleanings, the owner must collect them and ensure that a poor person can claim them?

לְכִדְתַנְיָא: הַמַּפְקִיר אֶת כַּרְמוֹ, וְלַשַּׁחַר הִשְׁכִּים וּבְצָרוֹ – חַיָּיב בְּפֶרֶט וּבְעוֹלְלוֹת וּבִשְׁכִחָה וּבְפֵאָה, וּפָטוּר מִן הַמַּעֲשְׂרוֹת.

The Gemara responds: No, the extra term of leaving is required **for that which is taught** in a *baraita*: With regard to **one who declares his vineyard ownerless,**[H] **and in the morning awoke** and reclaimed the ownerless vineyard **and harvested** the grapes, he **is obligated in** the mitzva of leaving **individual fallen** grapes for the poor [*peret*], **and in** the mitzva of leaving **incompletely formed clusters** of grapes for the poor [*olelot*], **and in** the mitzva of leaving **forgotten** clusters, **and in** the mitzva of ***pe'a*. And he is exempt from** the obligation to separate **the tithes** from the grapes, as the vineyard had been ownerless. The *baraita* rules that he is obligated in the gifts for the poor despite the *halakha* that the obligation to leave these gifts does not apply to an ownerless vineyard. It is derived from the additional mention of leaving that the obligation of gifts to the poor applies even to an ownerless field of this type.

הַהוּא שַׂקָּא דִּדְינָרֵי דַּאֲתָא לְבֵי מִדְרְשָׁא, קָדִים רַבִּי אַמִּי וְזָכָה בָּהֶן. וְהֵיכִי עָבֵיד הָכִי? וְהָא כְּתִיב ״וְנָתַן״ – וְלֹא שֶׁיִּטּוֹל מֵעַצְמוֹ! רַבִּי אַמִּי נַמִּי לַעֲנִיִּים זָכָה בָּהֶן.

§ In relation to the discussion of a case where the owner of a field takes gifts left for the poor for himself, the Gemara relates that there was **a certain sack of dinars**[B] **that was brought to the study hall** to provide financial assistance for the students. **Rabbi Ami rushed and acquired them.** The Gemara asks: **And how can he act in this** manner? **But isn't it written** with regard to gifts of the priesthood: **"That they shall give** to the priest" (Deuteronomy 18:3), and the Sages derived from the verse that a priest should receive the gifts **and he should not take** them **by himself.** The same applies to gifts for the poor as well. The Gemara responds: **Rabbi Ami too** did not take the gifts for himself. Rather, **he acquired them for the poor.**

וְאִיבָּעֵית אֵימָא: אָדָם חָשׁוּב שָׁאנֵי, דְּתַנְיָא: ״וְהַכֹּהֵן הַגָּדוֹל מֵאֶחָיו״ – שֶׁיְּהֵא גָּדוֹל מֵאֶחָיו בְּנוֹי בְּחָכְמָה וּבְעוֹשֶׁר.

And if you wish, say instead that the *halakha* with regard to **a distinguished person** such as Rabbi Ami, who was the head of the yeshiva, **is different,** and he may acquire the gifts for himself. **As it is taught** in a *baraita* that the verse: **"And the priest who is greater than his brethren"** (Leviticus 21:10), indicates **that** the High Priest **should be greater than his** priestly **brethren in beauty, in wisdom, and in wealth.**[NH]

אֲחֵרִים אוֹמְרִים: מִנַּיִן שֶׁאִם אֵין לוֹ, שֶׁאֶחָיו הַכֹּהֲנִים מְגַדְּלִין אוֹתוֹ? תַּלְמוּד לוֹמַר: ״וְהַכֹּהֵן הַגָּדוֹל מֵאֶחָיו״ – גַּדְּלֵהוּ מִשֶּׁל אֶחָיו.

Others say: From where is it derived **that if** the High Priest **does not have** property of his own, **his brethren the priests elevate him** and render him wealthy from their own property? **The verse states: "And the priest who is greater than his brethren,"** i.e., they must **elevate him from** the property **of his brethren.** Since the members of the study hall are required to enrich Rabbi Ami from their own property, it is certainly permitted for him to take these gifts for himself.

HALAKHA

One who declares his vineyard ownerless, etc. – הַמַּפְקִיר אֶת כַּרְמוֹ וכו': With regard to one who declared his vineyard ownerless, and in the morning reacquired the field for himself and harvested it, he is obligated to leave *peret*, *olelot*, forgotten grape clusters, and *pe'a* for the poor. The reason is that such a vineyard is called "your field" and "your vineyard," as it was previously his and is now in his possession as well. If one acquires an ownerless field that formerly belonged to others, he is exempt from leaving these gifts (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 5:27).

That the High Priest should be greater than his brethren in beauty, in wisdom, and in wealth – שֶׁיְּהֵא גָּדוֹל מֵאֶחָיו בְּנוֹי בְּחָכְמָה וּבְעוֹשֶׁר: The High Priest should be greater than all of his priestly brethren in beauty, in strength, in wealth, in wisdom, and in bearing. If he does not have money, all of the priests provide him with money from their own assets, each one according to his financial capability, until the point that he is wealthier than the wealthiest of the other priests (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 5:1).

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מתני׳ אֵיזֶהוּ הַזְּרוֹעַ – מִן הַפֶּרֶק שֶׁל אַרְכּוּבָה עַד כַּף שֶׁל יָד, וְהוּא שֶׁל נָזִיר. וּכְנֶגְדּוֹ בָּרֶגֶל, שׁוֹק. רַבִּי יְהוּדָה אוֹמֵר: שׁוֹק מִן הַפֶּרֶק שֶׁל אַרְכּוּבָה עַד סוֹבֶךְ שֶׁל רֶגֶל. אֵי זֶהוּ לֶחִי – מִן הַפֶּרֶק שֶׁל לֶחִי, עַד פִּיקָה שֶׁל גַּרְגֶּרֶת.

MISHNA

What is the definition of the **foreleg**[H] that is given to the priests as one of the gifts? It is the part of the leg **from the joint of the** lower **knee until the rounded protrusion** surrounding the thigh bone **of the foreleg; and that is** the foreleg mentioned in the Torah **with regard to the nazirite:** "And the priest shall take the foreleg of the ram when it is cooked" (Numbers 6:19). **And the parallel in the hind leg is the thigh** that is given to the priest from the peace offering, which is also from the joint of the lower knee until the rounded protrusion surrounding the thigh bone. **Rabbi Yehuda says:** The **thigh is from the joint of the** lower **knee until the upper knee** joint, which connects the middle and upper parts of the leg. **What is the** definition of the **jaw?**[HB] It is **from the joint of the** lower **jaw** beneath the temples and downward **until the upper ring of the windpipe.**

גמ׳ תָּנוּ רַבָּנַן: ״הַזְּרֹעַ״ – זֶה זְרוֹעַ יָמִין. אַתָּה אוֹמֵר זֶה זְרוֹעַ יָמִין, אוֹ אֵינוֹ אֶלָּא זְרוֹעַ שְׂמֹאל? תַּלְמוּד לוֹמַר: ״הַזְּרֹעַ״.

GEMARA

The Sages taught in a *baraita*: The verse states with regard to the gifts of the priesthood: "That they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). **"The foreleg"; this is** the **right foreleg** of the animal. The *baraita* continues: **Do you say** that **this is** the **right foreleg, or is it only the left foreleg? The verse states: "The foreleg."** The definite article indicates that the verse is referring to the right foreleg.

מַאי תַּלְמוּדָא? כְּדַאֲמַר רָבָא: ״הַיָּרֵךְ״ – הַמְיוּמֶנֶת שֶׁבַּיָּרֵךְ, הָכָא נַמִי: ״הַזְּרוֹעַ״ – הַמְיוּמֶנֶת שֶׁבַּזְּרוֹעַ.

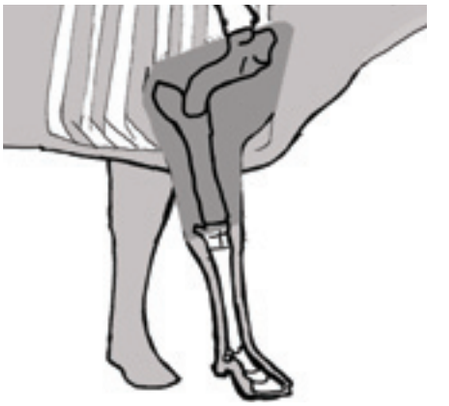
The Gemara asks: **What is the** biblical **derivation** for this, i.e., how is it understood from the definite article that the verse is referring to the right foreleg? The Gemara responds: It is derived **like that** which **Rava said** with regard to the verse: "Therefore the children of Israel do not eat the sciatic nerve which is upon the hollow of **the thigh**" (Genesis 32:33). The definite article indicates that this is referring to **the most important thigh. Here too,** the definite article in the term **"the foreleg"** indicates that the verse is referring to **the most important foreleg,** i.e., the right foreleg.

״וְהַלְּחָיַיִם״ לְמַאי אֲתָא? לְהָבִיא צֶמֶר שֶׁבְּרֹאשׁ כְּבָשִׂים, וְשֵׂעָר שֶׁבְּזָקָן תְּיָישִׁים. ״וְהַקֵּבָה״ לְמַאי אֲתָא? לְהָבִיא חֵלֶב שֶׁעַל גַּבֵּי הַקֵּבָה, וְחֵלֶב שֶׁבְּתוֹךְ הַקֵּבָה. דַּאֲמַר רַבִּי יְהוֹשֻׁעַ: כֹּהֲנִים נָהֲגוּ בּוֹ עַיִן יָפָה וּנְתָנוּהוּ לַבְּעָלִים, טַעֲמָא – דְּנָהֲגוּ, הָא לָא נָהֲגוּ – דִּידֵיהּ הוּא.

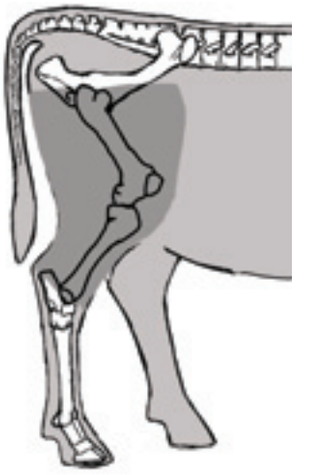
The Gemara continues: And in the term **"and the jaw," for what** purpose **does** the definite article **come,** i.e., what *halakha* does it teach? It serves **to include wool that is on the head of lambs and hair that is in the beard of goats**[H] in the obligation to give the jaw to the priest. And in the term **"and the maw," for what** purpose **does** the definite article **come?** It serves **to include fat that is on the maw and fat that is inside the maw**[H] in the obligation to give the maw to the priest. **As Rabbi Yehoshua said: Priests behaved generously with** fat that is on the maw **and they gave it to** its **owner,** i.e., they relinquished their right to receive it. The Gemara infers: The **reason** this fat was not given to the priests is **that they behaved** generously, **but** had they **not behaved** generously, the fat would be **his,** the priest's.

BACKGROUND

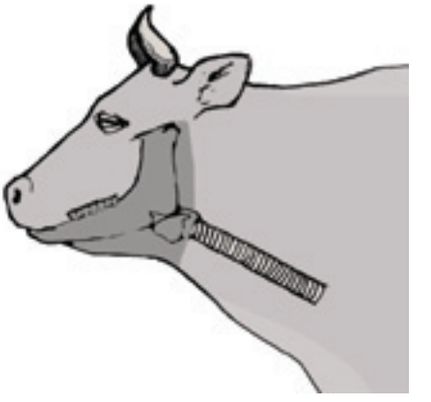
Foreleg, thigh, jaw – זְרוֹעַ, שׁוֹק, לְחָיַי:



Foreleg



Thigh



Jaw

HALAKHA

What is the foreleg – אֵיזֶהוּ הַזְּרוֹעַ: The foreleg that one is obligated to give as part of the gifts of the priesthood is the right foreleg, from the joint of the lower knee until the rounded protrusion surrounding the thigh bone of the foreleg. This consists of two bones connected to one another (Rambam *Sefer Avoda, Hilkhot Ma'aseh HaKorbanot* 9:10 and *Sefer Zera'im, Hilkhot Bikkurim* 9:18; *Shulḥan Arukh, Yoreh De'a* 61:2).

What is the jaw – אֵי זֶהוּ לֶחִי: The jaw that is given as a gift of the priesthood is from the joint of the jaw until the upper ring of the windpipe, which is the large ring, with the tongue in between (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 9:18; *Shulḥan Arukh, Yoreh De'a* 61:3).

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דּוֹרְשֵׁי חֲמוּרוֹת הָיוּ אוֹמְרִים: הַזְּרוֹעַ כְּנֶגֶד הַיָּד. וְכֵן הוּא אוֹמֵר ״וַיִּקַּח רֹמַח בְּיָדוֹ״.

The Gemara cites a homiletical idea with regard to the gifts of the priesthood: **The interpreters** of Torah **symbolism** [***dorshei ḥamurot***][L] **would say** with regard to the reason why the foreleg, the jaw, and the maw are given to the priests: **The foreleg corresponds to the hand** of Pinehas, son of Elazar the priest, who killed Zimri, son of Salu, thereby bringing an end to the plague that was ravaging the children of Israel. **And it likewise states** in the verse: **"And he took a spear in his hand"** (Numbers 25:7).

וּלְחָיַיִם כְּנֶגֶד תְּפִלָּה, וְכֵן הוּא אוֹמֵר ״וַיַּעֲמֹד פִּינְחָס וַיְפַלֵּל״. קֻבָּה כְּמַשְׁמָעָהּ, וְכֵן הוּא אוֹמֵר ״וְאֶת הָאִשָּׁה אֶל קֻבָּתָהּ״.

And the **jaw** corresponds to the **prayer** [***tefilla***] offered by Pinehas during the aforementioned incident. **And so it states** in the verse: "**Then stood up Pinehas, and wrought judgment** [***vayefallel***], and so the plague was stayed. And that was counted to him for righteousness, to all generations forever" (Psalms 106:30). The **maw** is **as its plain meaning** in the verses describing the incident, **and it likewise states:** "And he thrust both of them through, the man of Israel, **and the woman through her belly.** So the plague was stayed from the children of Israel" (Numbers 25:8).

וְתַנָּא מַיְיתֵי לָהּ מֵהָכָא: ״שׁוֹק הַיָּמִין״ אֵין לִי אֶלָּא שׁוֹק הַיָּמִין, זְרוֹעַ מוּקְדָּשִׁין מְנַיִן? תַּלְמוּד לוֹמַר: ״תְּרוּמָה״. זְרוֹעַ חוּלִּין מְנַיִן? תַּלְמוּד לוֹמַר: ״תִּתְּנוּ״.

The Gemara above cited a source for the *halakha* that the right foreleg is given to the priest. The Gemara notes: **And** the ***tanna*** of the following *baraita* **cites** this *halakha* **from here:** The verse states with regard to the gift to the priest from a peace offering: "And **the right thigh** you shall give to the priest as a gift from your sacrifices of peace offerings" (Leviticus 7:32). **I have** derived **only** that **the right thigh** of a peace offering is given to the priest. **From where** do I derive that the right **foreleg** of the **sacrificial** ram of the nazirite is given to the priest? **The verse states:** "You shall give to the priest as **a gift.**" And **from where** is it derived that the right **foreleg** of **a non-sacred** animal is also given as a gift to the priest? **The verse states: "You shall give."**

״אֵיזֶהוּ לֶחִי מִן הַפֶּרֶק שֶׁל לֶחִי וְעַד פִּיקָה שֶׁל גַּרְגֶּרֶת״. וְהָתַנְיָא: נוֹטְלָהּ וּבֵית שְׁחִיטָה עִמָּהּ!

§ The mishna taught: **What is** definition of **the jaw?** It is **from the joint of the jaw** beneath the temples and below **until the upper ring of the windpipe.** The Gemara objects: **But isn't it taught** in a *baraita* that when one removes the jaw from the animal to give to the priest, **he removes it and the area of slaughter** on the throat **with it?** The area of slaughter is beyond the upper ring of the windpipe.

לָא קַשְׁיָא, הָא רַבָּנַן וְהָא רַבִּי חֲנִינָא בֶּן אַנְטִיגְנוֹס,

The Gemara responds: This is **not difficult.** Everyone agrees that the priest receives only the part until the upper ring of the windpipe, and the difference between the two rulings is that **this** mishna is in accordance with the opinion of **the Rabbis, and that** *baraita* is in accordance with the opinion of **Rabbi Ḥanina ben Antigonus.**

LANGUAGE

Interpreters of Torah symbolism [*dorshei ḥamurot*] – **דּוֹרְשֵׁי חֲמוּרוֹת:** This term, which sometimes appears in the Gemara as: Interpreters in the manner of *ḥomer*, refers to a method of interpretation based on a comparative analysis of obscure verses. This exegetical method is known as *ḥamurot* because it is analogous to pearls and spices that hang from the neck of a woman, which contain within them pleasant scents called *ḥomer* that refresh the soul (Rashi). Others have a version of the text that states: *Homer*, similar to *hamara*, exchange, i.e., giving an allegorical interpretation in place of a straightforward one.

HALAKHA

To include wool that is on the head of lambs and hair that is in the beard of goats – לְהָבִיא צֶמֶר שֶׁבְּרֹאשׁ כְּבָשִׂים וְשֵׂעָר שֶׁבִּזְקַן תְּיָישִׁים: When one gives the jaw and the foreleg to the priest, he must do so with their skin intact as well as the wool on the heads of sheep and the hair on the head of goats. One may not boil the flesh in water in order to remove the hairs, nor may one skin the animal before it is given to the priest (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:19; *Shulḥan Arukh*, *Yoreh De'a* 61:3).

It serves to include fat that is on the maw and fat that is inside the maw – לְהָבִיא חֵלֶב שֶׁעַל גַּבֵּי הַקֵּבָה וְחֵלֶב שֶׁבְּתוֹךְ הַקֵּבָה: When one gives the maw to the priest, he must give it with all its fat, i.e., both the inner and outer fat, unless the priests are accustomed to allowing the owner to keep the fat (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:19; *Shulḥan Arukh*, *Yoreh De'a* 61:4).

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דְּתַנְיָא: מוּגְרֶמֶת פְּסוּלָה. הֵעִיד רַבִּי חֲנִינָא בֶּן אַנְטִיגְנוֹס עַל מוּגְרֶמֶת שֶׁהִיא כְּשֵׁרָה.

The Gemara explains that this is **as it is taught** in a *baraita*: The slaughter of an animal in such a manner that the knife is **diverted** to an area above the place of slaughter on its throat is **not valid. Rabbi Ḥanina ben Antigonus testified with regard to** the slaughter of an animal when the knife is **diverted that it is valid** (see 18b). The *baraita* calls the area of the jaw until the upper ring of the windpipe the area of slaughter, in accordance with the opinion of Rabbi Ḥanina ben Antigonus, who maintains that it is also a valid area for slaughter.

אִיבָּעֵית אֵימָא: הָא וְהָא רַבָּנַן, וּמַאי ״עִמָּהּ״? עִמָּהּ דְּבֵהֵמָה.

And **if you wish, say** instead that **this** mishna **and that** *baraita* are both in accordance with the opinion of **the Rabbis, and what** does the *baraita* mean when it says: **With it?** It means that the area of slaughter remains **with the animal,** i.e., it remains with the owner and is not given to the priest.

הדרן עלך הזורע והלחיים

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Summary of **Perek X**

This chapter dealt primarily with the parameters of a single positive mitzva: The obligation to give the foreleg, the jaw, and the maw of a slaughtered animal to a priest. The mishna taught that this mitzva applies at all times and in all places.

With regard to the question of which animals are included in the mitzva, the Gemara concluded that the obligation applies only to non-sacred kosher slaughtered domesticated animals, but sacred animals are exempt.

The Gemara also concluded that the gifts of the foreleg, the jaw, and the maw have no sanctity and may be given or sold to anyone of the priest's choosing. Accordingly, an Israelite may consume the gifts as well, provided that he receives permission from the priest. Likewise, an animal whose gifts have not yet been separated is permitted in consumption, as the gifts have no sanctity. Nevertheless, one must give the gifts before partaking of the remainder of the animal *ab initio*. Nowadays, people are not meticulous about performing this mitzva because it is only a monetary obligation, and priests lack incontrovertible proof that they are members of the priesthood who are entitled to the gifts.

The Gemara determined that gifts of the priesthood may be given to all priests and to their daughters as well. They may be given entirely to one priest, or they may be divided among several priests. The obligation of the gifts does not apply to an animal owned in partnership with a priest or a gentile.

The chapter included a precise description of the gifts and their parameters. The Gemara concluded that the foreleg refers to the right foreleg, and that it extends from the joint of the lower knee until the rounded protrusion surrounding the thigh bone of the foreleg. The jaw refers to both cheeks as well as the tongue, while the maw includes fat on and inside it.

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Introduction to **Perek XI**

And this shall be the priests' due from the people, from those who slaughter an animal, whether it be ox or sheep; and he shall give to the priest the foreleg, and the jaw, and the maw. The first fruits of your grain, of your wine, and of your oil; and the first sheared wool of your flock shall you give him.

(Deuteronomy 18:3–4)

This chapter is a direct continuation of the previous one, as it continues to discuss the gifts of the priesthood. Having examined the mitzva to give the priest the foreleg, the jaw, and the maw, the Gemara focuses on the mitzva to give the priest the first sheared wool. The order of these two chapters follows the order in which these mitzvot appear in the Torah: The mitzva to give the priest the foreleg, the jaw, and the maw is addressed first, and then the mitzva to give the priest the first sheared wool is stated. The aforementioned verses also refer to the first fruits of the grain, i.e., *teruma*. The mitzva of *teruma* is discussed in the order of *Zera'im*, which is devoted to *halakhot* relating to agricultural produce.

This chapter will clarify many details of the mitzva of the first sheared wool, as a simple reading of the Torah raises many questions: The verse mentions the shearing of sheep. Does this indicate that the mitzva does not apply to other animals, or is this merely an example? Furthermore, the verse is apparently referring to non-sacred sheep, just as the mitzvot of *teruma* and the foreleg, the jaw, and the maw both apply to non-sacred possessions. If so, are consecrated animals exempt from the first sheared wool, or does this mitzva apply even to consecrated animals?

Another question is: How many sheep must one own for him to be obligated in the mitzva of the first sheared wool? In addition, the verse states that one must give the priest the first sheared wool, but it does not indicate how much one is required to give. Is any amount sufficient, or is there a minimum amount one must give the priest in order to fulfill one's obligation? It must also be established at which point in time the obligation to separate the first sheared wool takes effect. It is possible that the mitzva applies only to the individual who owned the flock prior to the process of shearing; alternatively, it might take effect at the time of shearing.

Another case explored in the chapter is that of one who did not separate the first sheared wool. Perhaps the mitzva continues to apply to the wool, even if one already wove it into cloth, or perhaps it ceases to apply once the wool has been changed. These and other matters are discussed in this chapter.

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מתני׳ רֵאשִׁית הַגֵּז נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בַּחוּלִין אֲבָל לֹא בַּמּוּקְדָּשִׁים.

MISHNA The mitzva of **the first sheared wool** that every Jew must give to the priest, as stated in the verse: "And the first sheared wool of your flock [*tzonekha*] shall you give him" (Deuteronomy 18:4), **applies** both **in Eretz** Yisrael **and outside of Eretz** Yisrael,[H] **in the presence of the Temple and not in the presence of the Temple,**[N] and **with regard to non-sacred** animals. **But** it does **not** apply **to sacrificial** animals.

חוֹמֶר בְּזִרוֹעַ וּלְחָיַיִם וּבְקֵבָה מֵרֵאשִׁית הַגֵּז: שֶׁהַזְּרוֹעַ וְהַלְּחָיַיִם וְהַקֵּבָה נוֹהֲגִין בַּבָּקָר וּבַצֹּאן, בַּמְּרוּבֶּה וּבַמּוּעָט, וְרֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּרְחֵלוֹת, וְאֵינוֹ נוֹהֵג אֶלָּא בַּמְּרוּבֶּה.

There are more **stringent** elements **in** the mitzva of **the foreleg, the jaw, and the maw** (see 130a) **than** in the *halakha* of **the first sheared wool** in **that** the mitzva of **the foreleg, the jaw, and the maw applies to cattle and to sheep,** as it is written: "Whether it be ox or sheep, that he shall give unto the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3); and it applies **to numerous** animals **and to few** animals. **But** by contrast, the mitzva of **the first sheared wool applies only to sheep**[HN] and not to goats and cattle, **and applies only to numerous** animals.

וְכַמָּה הוּא מְרוּבֶּה? בֵּית שַׁמַּאי אוֹמְרִים: שְׁתֵּי רְחֵלוֹת, שֶׁנֶּאֱמַר "יְחַיֶּה אִישׁ עֶגְלַת בָּקָר וּשְׁתֵּי צֹאן". וּבֵית הִלֵּל אוֹמְרִים: חָמֵשׁ, שֶׁנֶּאֱמַר "חָמֵשׁ צֹאן עֲשׂוּיוֹת".

And how many are numerous?[H] **Beit Shammai say:** It is at least **two sheep, as it is stated: "That a man shall rear a young cow, and two sheep** [*tzon*]" (Isaiah 7:21), indicating that two sheep are characterized as *tzon*; and the mitzva of the first sheared wool is written using the term "your flock [*tzonekha*]." **And Beit Hillel say:** It is at least **five** sheep, **as it is stated: "And five sheep** [*tzon*] **made"** (1 Samuel 25:18).

רַבִּי דּוֹסָא בֶּן הַרְכִּינָס אוֹמֵר: חָמֵשׁ רְחֵלוֹת גּוֹזְזוֹת מָנֶה, מָנֶה, וּפְרָס – חֲיָיבוֹת בְּרֵאשִׁית הַגֵּז. וַחֲכָמִים אוֹמְרִים: חָמֵשׁ רְחֵלוֹת גּוֹזְזוֹת כָּל שֶׁהֵן.

Rabbi Dosa ben Harkinas says: When shearing **five sheep,** the **sheared** wool of each sheep weighing **one hundred dinars**[B] each **and half** [*peras*][L] of one hundred dinars each, i.e., one hundred and fifty dinars each, **are** subject to the **obligation of the first sheared wool,** i.e., they render the owner obligated to give the first sheared wool to the priests. **And the Rabbis say:** Any **five sheep,** each of whose **sheared** wool weighs **any amount,** render the owner obligated in the mitzva.

וְכַמָּה נוֹתְנִין לוֹ – מִשְׁקַל חָמֵשׁ סְלָעִים בִּיהוּדָה, שֶׁהֵן עֶשֶׂר סְלָעִים בַּגָּלִיל, מְלוּבָּן וְלֹא צוֹאִי, כְּדֵי לַעֲשׂוֹת מִמֶּנּוּ בֶּגֶד קָטָן, שֶׁנֶּאֱמַר "תִּתֶּן לוֹ" – שֶׁיְּהֵא בּוֹ כְּדֵי מַתָּנָה.

And how much of the sheared wool **does one give to** the priest? One gives him sheared wool of the **weight** of **five *sela* in Judea, which are** the equivalent of **ten *sela* in the Galilee,** as the weight of the Galilean *sela* is half that of the Judean *sela*. Furthermore, although one may give the wool to the priest without laundering it, this must be the weight of the wool once **laundered and not** when **sullied,**[H] as is characteristic of wool when sheared. The measure that must be given to the priest is **enough to fashion a small garment from it, as it is stated: "Shall you give him"** (Deuteronomy 18:4), indicating **that** the sheared wool **must contain enough for** a proper **gift.**

HALAKHA

Applies both in Eretz Yisrael and outside of Eretz Yisrael, etc. – נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ וכו׳: The mitzva of the first sheared wool applies only in Eretz Yisrael, but not outside of Eretz Yisrael, in accordance with the opinion of Rabbi Ilai in the *baraita* cited later (136a), and not in accordance with the ruling of the mishna. The mitzva applies both in the presence of the Temple and not in the presence of the Temple, and it applies to non-sacred animals but not to consecrated animals, as stated in the mishna. According to some authorities, the obligation of the first sheared wool applies even outside Eretz Yisrael by Torah law. This opinion is not accepted in practice (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:1; *Shulḥan Arukh*, *Yoreh De'a* 333:1, and in the comment of Rema).

The first sheared wool applies only to sheep – רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּרְחֵלוֹת: The mitzva of the first sheared wool applies only to sheep, both males and females (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 333:2).

And how many are numerous, etc. – וְכַמָּה הוּא מְרוּבֶּה וכו׳: One must have at least five sheep in order to be obligated in the mitzva of the first sheared wool, as stated by Beit Hillel (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:13; *Shulḥan Arukh*, *Yoreh De'a* 333:9).

Laundered and not when sullied, etc. – מְלוּבָּן וְלֹא צוֹאִי וכו׳: If one designated a large amount of wool as the first sheared wool and wishes to divide it among several priests, he may not give each priest less than the weight of five *sela*, which is enough to fashion a small garment. One may give the wool to the priest without laundering it, but the wool must weigh at least five *sela* after it is laundered. Other commentaries maintain that one is not required to give each priest the weight of five *sela*. Rather, it is sufficient if the total weight of the first sheared wool amounts to five *sela* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:16; *Shulḥan Arukh*, *Yoreh De'a* 333:13, and in the comment of Rema, and see Gra there).

BACKGROUND

One hundred dinars [*maneh*] – מָנֶה: A *maneh* is a coin worth one hundred dinars. It should be noted that the average daily wage of a laborer at the time of the Talmud was approximately four dinars. One hundred dinars was therefore roughly equivalent to a monthly wage.

LANGUAGE

Half [*peras*] – פָּרָס: Derived from the root *peh*, *reish*, *samekh*, it usually refers to breaking. Accordingly, a *peras* is a part or piece broken from a whole. Generally, when the word *peras* is used in the context of a size or amount it means half of that amount.

NOTES

In the presence of the Temple and not in the presence of the Temple – בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת: The Rambam rules that the mitzva of the first sheared wool applies both in the presence of the Temple and not in the presence of the Temple, as is the *halakha* with regard to *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:1). Some commentaries infer from this statement that just as the Rambam holds that the obligation of *teruma* applies by rabbinic law nowadays (*Hilkhot Terumot* 1:26), so too, the mitzva of the first sheared wool applies by rabbinic law. One proof for this interpretation of the Rambam is that with regard to the foreleg, the jaw, and the maw, the Rambam writes that this mitzva is always in effect, both in the presence of the Temple and not in the presence of the Temple (*Hilkhot Bikkurim* 9:1), whereas with regard to the first sheared wool the Rambam does not use the word: Always. Its omission indicates that nowadays the mitzva of the first sheared wool is by rabbinic law, whereas the mitzva of the foreleg, the jaw, and the maw is always by Torah law (Mahari Kurkus; *Minḥat Ḥinnukh*). Other commentaries hold that according to the Rambam, the mitzva of the first sheared wool applies by Torah law even today (Maharit; *Sefer HaḤinnukh*, as explained by *Minḥat Ḥinnukh*).

The first sheared wool applies only to sheep – רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּרְחֵלוֹת: Although the Torah uses the term "*tzonekha*," which can be interpreted as referring to goats as well, and although goats' hair can be used to fashion clothing, the mitzva does not apply to goats, as the term shearing refers only to sheep (Rashi, based on the Gemara on 137a).

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לֹא הִסְפִּיק לִיתְּנוֹ לוֹ עַד שֶׁצְּבָעוֹ – פָּטוּר. לִבְּנוֹ וְלֹא צְבָעוֹ – חַיָּיב.

If the owner of the shearing **did not manage to give it to** the priest **until he dyed it,** the owner is **exempt**[NH] from the mitzva of the first sheared wool, as this constitutes a change in the wool by which means he acquires ownership of it. If he **laundered it but did not dye it,** he is **obligated**[H] to give the first sheared wool, as laundering does not constitute a change in the wool.

הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל גּוֹי – פָּטוּר מֵרֵאשִׁית הַגֵּז. הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל חֲבֵירוֹ, אִם שַׁיֵּיר – הַמּוֹכֵר חַיָּיב, לֹא שִׁיֵּיר – הַלּוֹקֵחַ חַיָּיב. הָיוּ לוֹ שְׁנֵי מִינִים שְׁחוּפוֹת וּלְבָנוֹת, מָכַר לוֹ שְׁחוּפוֹת אֲבָל לֹא לְבָנוֹת, זְכָרִים אֲבָל לֹא נְקֵבוֹת – זֶה נוֹתֵן לְעַצְמוֹ וְזֶה נוֹתֵן לְעַצְמוֹ.

One who purchases the fleece of the sheep of a gentile[H] is **exempt from** the obligation of giving **the first sheared wool** to the priest. With regard to **one who purchases the fleece of the sheep of another** Jew,[H] **if** the seller **kept** some of the wool, then **the seller is obligated** to give the first sheared wool to the priest. If the seller **did not keep** any of the wool, **the buyer is obligated** to give it. If the seller **had two types** of sheep, **gray and white,** and he **sold** the buyer the **gray** fleece **but not** the **white** fleece, or if he sold the fleece of the **male** sheep **but not** of the **female**[H] sheep, then **this** one, the seller, **gives** the first sheared wool **for himself** to the priest from the wool that he kept, **and that** one, the buyer, **gives** the first sheared wool **for himself** to the priest from the wool that he bought.

גמ׳ בַּמּוּקְדָּשִׁין מַאי טַעְמָא לָא? אָמַר קְרָא: ״צֹאנְךָ״ – וְלֹא צֹאן הֶקְדֵּשׁ.

GEMARA The mishna states that the mitzva of the first sheared wool does not apply **to sacrificial** animals. The Gemara asks: **What is the reason** that it does **not** apply? The Gemara answers that the **verse states: "Your flock"** (Deuteronomy 18:4), indicating that the mitzva applies to non-sacred animals, which belong to a private individual, **and not** to **a flock** that is **consecrated** property.

טַעֲמָא דִּכְתִיב רַחֲמָנָא ״צֹאנְךָ״, הָא לָאו הָכִי הֲוָה אָמִינָא קָדָשִׁים חַיָּיבִים בְּרֵאשִׁית הַגֵּז? הָא לָאו בְּנֵי גִיזָּה נִינְהוּ, דִּכְתִיב: ״וְלֹא תָגֹז בְּכוֹר צֹאנֶךָ״!

The Gemara challenges: **The reason** for the exemption of sacrificial animals **is that the Merciful One writes "your flock,"** from which it may be inferred that **were that not** the case **I would say** that even with regard to **sacrificial** animals one is **obligated in** the mitzva of **the first sheared wool. But** this suggestion is impossible, since **they are not fit for shearing, as it is written** with regard to firstborn animals, which are consecrated: **"And you shall not shear the firstborn of your flock"** (Deuteronomy 15:19).

אִי בְּקָדְשֵׁי מִזְבֵּחַ – הָכִי נַמִי, הָכָא בְּמַאי עָסְקִינַן – בְּקָדְשֵׁי בֶדֶק הַבַּיִת.

The Gemara explains: **If** the mishna was referring to sheep **consecrated** for the **altar, indeed** there would be no need to derive their exemption from the verse. But **here we are dealing with** sheep **consecrated** to the treasury for **Temple maintenance,**[B] which it is permitted to shear, and the verse teaches that even with regard to these one is exempt from the mitzva of the first sheared wool.

NOTES

If the owner did not manage to give it to the priest until he dyed it he is exempt – לֹא הִסְפִּיק לִיתְּנוֹ לוֹ עַד שֶׁצְּבָעוֹ פָּטוּר: Generally, a significant change in a stolen article exempts one from returning the article itself, though one is still obligated to pay the rightful owner its value. Nevertheless, the first sheared wool is one of the gifts of the priesthood, and as stated by Rav Ḥisda, one who damages the gifts of the priesthood is not obligated to pay their value to a priest (see Rashi; 130b). The commentaries note that one is exempt from giving the first sheared wool to the priest only if all of the wool was dyed, as otherwise the obligation applies to the remaining wool (*Mishne LaMelekh*; *Ḥazon Ish*).

BACKGROUND

Sheep consecrated to the treasury for Temple maintenance – קָדְשֵׁי בֶדֶק הַבַּיִת: There is a distinction between animals consecrated as sacrificial offerings and items consecrated to the treasury for Temple maintenance. Items consecrated for Temple maintenance are used to repair the Temple, to replace its utensils, or to beautify its structure. Alternatively, they are sold, with the proceeds of the sale used for these purposes. Anything of worth can be consecrated for Temple maintenance, but animals that are fit to be sacrificed may be consecrated only as offerings.

HALAKHA

If the owner did not manage to give it to the priest until he dyed it he is exempt – לֹא הִסְפִּיק לִיתְּנוֹ לוֹ עַד שֶׁצְּבָעוֹ פָּטוּר: If one dyed the wool before giving it to the priest, he is exempt from the obligation of giving the first sheared wool, as this constitutes a change in the wool by means of which he acquires ownership. Furthermore, the first sheared wool is one of the gifts of the priesthood, and one who causes damage to the gifts of the priesthood is not obligated to pay their value (*Shakh*). According to some commentaries, although one is exempt by human laws, he must pay if he wishes to comply with the laws of Heaven (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:6, and see *Mishne LaMelekh* there; *Shulḥan Arukh*, *Yoreh De'a* 333:3).

If he laundered it but did not dye it he is obligated – לִבְּנוֹ וְלֹא צְבָעוֹ חַיָּיב: If one sheared the fleece and laundered it, he is obligated to give the first sheared wool to a priest, as laundering is not considered to have effected a change in the wool (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:6; *Shulḥan Arukh*, *Yoreh De'a* 333:3 and *Shakh* there).

One who purchases the fleece of the sheep of a gentile, etc. – הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל גּוֹי וכו׳: If one purchased the fleece of the sheep of a gentile after the gentile sheared it, the purchaser is exempt from the obligation of the first sheared wool (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:9; *Shulḥan Arukh*, *Yoreh De'a* 333:7).

One who purchases the fleece of the sheep of another Jew, etc. – הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל חֲבֵירוֹ וכו׳: With regard to one who purchased the fleece of the sheep of a Jew before the seller sheared it, if the seller kept some of the wool, he is obligated to give the first sheared wool even for those sheep that he sold. The reason is that it is presumed that he did not sell the gifts of the priesthood, and therefore the shearing to be given to the priest remained in the possession of the seller. If the seller did not keep any of the wool, then the buyer is obligated to give the first sheared wool (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:10; *Shulḥan Arukh*, *Yoreh De'a* 333:8).

Two types of sheep, gray and white…the fleece of the male but not of the female, etc. – שְׁנֵי מִינִים שְׁחוּפוֹת וּלְבָנוֹת...זְכָרִים אֲבָל לֹא נְקֵבוֹת וכו׳: If the seller had two types of sheep, e.g., gray sheep and white sheep, or male and female sheep, and he sold the fleece of one type and kept the fleece of the other type for himself, then the seller gives the first sheared wool for the wool that he kept, and the buyer gives the first sheared wool for the wool that he bought (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:11; *Shulḥan Arukh*, *Yoreh De'a* 333:8).

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וְהָאָמַר רַבִּי אֶלְעָזָר: קָדְשֵׁי בֶדֶק הַבַּיִת אֲסוּרִים בִּגִיזָּה וַעֲבוֹדָה! מִדְּרַבָּנַן. סָלְקָא דַּעְתָּךְ אָמִינָא: הוֹאִיל וּמִדְּאוֹרַיְיתָא בְּנֵי גִיזָּה נִינְהוּ, הֵיכָא דְּגָזַז לֵיהּ – לֵיתִיב לֵיהּ.

The Gemara asks: **But didn't Rabbi Elazar say** with regard to animals **consecrated** for **Temple maintenance** that it is **prohibited to shear** them **or** to **work** them? The Gemara answers: The prohibition with regard to animals consecrated for Temple maintenance applies **by rabbinic** law, not by Torah law. Therefore, it might **enter your mind to say** that **since by Torah** law **they** are **fit for shearing,** in a case **where** one transgressed the rabbinical prohibition and **sheared** the consecrated sheep, he **should give** the first sheared wool **to** the priest. Consequently, the verse teaches that he is exempt from the mitzva of the first sheared wool.

וְהָא קָדֵישׁ לָהּ! סָלְקָא דַּעְתָּךְ אָמִינָא: לִפְרוֹק וְלֵיתֵיב לֵיהּ.

The Gemara objects: **But** since he **consecrated** the wool it is consecrated property, and therefore in practice it cannot be given to a priest. Consequently, there is no need to derive their exemption from the verse. The Gemara explains: It might **enter your mind to say** that the owner is required **to redeem** the wool by giving its value to the Temple treasury **and** then **give** it **to** the priest.

וְהָא בָּעֵי הַעֲמָדָה וְהַעֲרָכָה! הָנִיחָא לְמַאן דְּאָמַר קָדְשֵׁי בֶדֶק הַבַּיִת לֹא הָיוּ בִּכְלַל הַעֲמָדָה וְהַעֲרָכָה. אֶלָּא לְמַאן דְּאָמַר הָיוּ מַאי אִיכָּא לְמֵימַר?

The Gemara objects: **But** when an animal is redeemed it **requires standing and valuation,**[N] as it is written: "And he shall stand the animal before the priest, and the priest shall value it, whether it be good or bad; as the priest evaluates it, so shall it be" (Leviticus 27:11–12). Once the wool has been sheared this process cannot be performed, which means that the wool cannot be redeemed. The Gemara comments: **This works out well according to the one who said** that animals **consecrated** for **Temple maintenance were not included in** the requirement **of standing and valuation. But according to the one who said** that they **were** included in this requirement, **what can be said?**

אָמַר רַבִּי מָנִי בַּר פַּטִּישׁ מִשּׁוּם רַבִּי יַנַּאי: הָכָא בְּמַקְדִּישׁ בְּהֶמְתּוֹ לְבֶדֶק הַבַּיִת חוּץ מִגִּיזָּתָהּ. סָלְקָא דַּעְתָּךְ אָמִינָא: לִיגְזוֹז וְלֵיתֵיב לֵיהּ, אָמַר קְרָא "צֹאנְךָ" – וְלֹא צֹאן שֶׁל הֶקְדֵּשׁ.

Rabbi Mani bar Pattish said in the name of Rabbi Yannai: The statement **here** in the mishna is referring **to** a case where one **consecrated** the rest of **his animal for Temple maintenance except for its fleece,** which he reserved for himself. Because the owner did not consecrate the wool, it might **enter your mind to say: Let him shear** the sheep **and** be obligated to **give** the wool to the priest. Therefore, the **verse states: "Your flock,"** indicating that the mitzva applies to non-sacred animals, which belong to an individual, **and not** to **sheep that are consecrated** property.

אִי הָכִי, קָדְשֵׁי מִזְבֵּחַ נַמִי! כָּחֲשִׁי.

The Gemara raises a difficulty: **If so,** that the mishna is discussing a case where one consecrated an animal except for its fleece, one could say that it is **also** referring to animals **consecrated** for the **altar.** The Gemara answers: The mishna cannot be discussing animals consecrated for the altar, as it is prohibited to shear them even if their fleece was not consecrated. The reason is that this causes the animal to **become weakened,** which entails a loss of consecrated property.

קָדְשֵׁי בֶדֶק הַבַּיִת נַמִי כָּחֲשִׁי! דַּאֲמַר "חוּץ מִגִּיזָּה וּכְחִישָׁה".

The Gemara objects: But animals **consecrated** for **Temple maintenance** are **also weakened** by shearing, and therefore it should be prohibited to shear them as well. The Gemara explains: The mishna is referring to a case **where** one **said** that he consecrates his animal for Temple maintenance **except for** both its **fleece and** its **weakening,** i.e., the loss of strength caused by shearing.

קָדְשֵׁי מִזְבֵּחַ נַמִי דַּאֲמַר "חוּץ מִגִּיזָּה וּכְחִישָׁה"! אֲפִילּוּ הָכִי, פָּשְׁטָה קְדוּשָּׁה בְּכוּלָּהּ.

The Gemara further objects: The mishna could **also** be referring to animals **consecrated** for the **altar** in a case **where** one **said** that he consecrates the animal **except for** both its **fleece and** the **weakening,** i.e., the loss in strength caused by shearing. The Gemara explains: With regard to animals consecrated for the altar this stipulation is ineffective, as **even so,** i.e., despite his declaration, the **sanctity extends to the entire** animal, and therefore it is prohibited to shear it.

NOTES

It requires standing and valuation – הָא בָּעֵי הַעֲמָדָה וְהַעֲרָכָה: The Gemara (*Temura* 32a) derives from Leviticus 27:11–12 that when redeeming a sacrificial animal, one must stand it before a priest, who evaluates it. If the animal died and cannot be stood before the priest, it cannot be redeemed, and instead it is buried. The Sages disagree as to whether this *halakha* applies only to animals consecrated as offerings, which are the subject of these verses, or also to animals consecrated for Temple maintenance. According to one opinion, animals consecrated for Temple maintenance can be redeemed even after their death.

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HALAKHA

An animal owned by two partners is obligated in the first sheared wool – בְּהֶמַת הַשּׁוּתָּפִים חַיָּיב בְּרֵאשִׁית הַגֵּז: Partners who jointly own sheep are obligated in the mitzva of the first sheared wool, provided that the share of each partner is the requisite amount of five sheep and the fleece of each sheep weighs no less than twelve *sela*. If the partners own only five sheep between them, they are exempt from the first sheared wool. This ruling is in accordance with the opinion of the first *tanna* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:14; *Shulḥan Arukh*, *Yoreh De'a* 333:10).

וּמְנָא תֵּימְרָא – דַּאֲמַר רַבִּי יוֹסֵי: וַהֲלֹא בְּמוּקְדָּשִׁין הָאוֹמֵר ״רַגְלָהּ שֶׁל זוֹ עוֹלָה״ – כּוּלָּהּ עוֹלָה. וְאַפִּילּוּ לְרַבִּי מֵאִיר דַּאֲמַר אֵין כּוּלָּהּ עוֹלָה – הָנֵי מִילֵּי דְּאַקְדִּישׁ דָּבָר שֶׁאֵין הַנִּשְׁמָה תְּלוּיָה בּוֹ, אֲבָל הִקְדִּישׁ דָּבָר שֶׁהַנִּשְׁמָה תְּלוּיָה בּוֹ – קָדְשָׁה.

The Gemara explains: **And from where do you say** that if one consecrates an animal for the altar the sanctity extends to the entire animal? This is **as Rabbi Yosei said: Isn't it** the *halakha* **with regard to sacrificial** animals that if **one says: The leg of this** animal is consecrated as **a burnt offering,** then the **entire** animal is **a burnt offering,** as the sanctity of the leg spreads throughout the animal's body? **And even according to** the opinion of **Rabbi Meir** that **it is not entirely a burnt offering, that statement** of Rabbi Meir applies only **where he consecrated** its leg, which is **not a matter,** i.e., a limb, **upon which** the animal's **life depends.** It is possible for an animal to survive the removal of a leg. **But** if **one consecrated a matter upon which** the animal's **life depends,** everyone agrees that all of it **is consecrated.**

רָבָא אָמַר: בְּמַקְדִּישׁ גִּיזָּה עַצְמָהּ, סָלְקָא דַּעְתָּךְ אָמִינָא: לִיגְזוֹז וְלִיפְרוֹק וְלֵיתֵיב לֵיהּ,

§ **Rava said** that there is no need to interpret the mishna as discussing a case where one consecrated a whole animal apart from its fleece and the loss caused by shearing. Rather, the mishna is referring **to** one who **consecrates the fleece itself** to the treasury for Temple maintenance, but not the sheep. It might **enter your mind to say: Let him shear** the sheep **and redeem** the wool by giving its value to the Temple treasury, **and** then be required to **give** the wool **to** the priest.

אֲמַר קְרָא ״גֵּז צֹאנְךָ תִּתֶּן לוֹ״ – מִי שֶׁאֵין מְחוּסָּר אֶלָּא גִּיזָּה וּנְתִינָה, יָצָא זֶה שֶׁמְּחוּסָּר גִּיזָּה פְּדָיָיה וּנְתִינָה.

Therefore, the **verse states:** "The first sheared wool **of your flock, shall you give him"** (Deuteronomy 18:4), which indicates that there should be no additional action between shearing and giving the first sheared wool to the priest. In other words, the mitzva of first sheared wool applies to a sheep **that is lacking only shearing and giving,** which **excludes this** sheep **that is lacking shearing, redeeming, and giving.**

אֶלָּא ״צֹאנְךָ״ לְמַאי אֲתָא? לְכִדְתַנְיָא: בְּהֶמַת הַשּׁוּתָּפִים חַיָּיב בְּרֵאשִׁית הַגֵּז, וְרַבִּי אֶלְעַאי פּוֹטֵר. מַאי טַעְמָא דְּרַבִּי אֶלְעַאי – אֲמַר קְרָא ״צֹאנְךָ״ – וְלֹא שֶׁל שׁוּתָּפוּת.

The Gemara asks: **But** if this verse is the source of the exemption of consecrated animals, then **for what** purpose does the term "**your flock" come?** That term also indicates that certain sheep are excluded from the mitzva. The Gemara answers that it is necessary **for that which is taught** in a *baraita*: **An animal** owned by two **partners is obligated,** i.e., renders its owners obligated, **in the** mitzva of the **first sheared** wool,[H] **but Rabbi Ilai exempts** them. **What is the reason for** the ruling **of Rabbi Ilai?** The reason is that the **verse states "your flock,"** using the singular pronoun, indicating that the mitzva applies to animals belonging to an individual, **but not** to sheep that are owned **in partnership.**

וְרַבָּנַן – לְמַעוּטֵי שׁוּתָּפוּת גּוֹי. וְרַבִּי אֶלְעַאי – שׁוּתָּפוּת גּוֹי מְנָא לֵיהּ?

The Gemara asks: **But** according to **the Rabbis,** who hold that joint owners of sheep are obligated in the mitzva of the first sheared wool, what is excluded by the term "your flock"? The Gemara answers that this serves **to exclude** an animal owned in **partnership** with **a gentile.** The Gemara asks: **And from where does Rabbi Ilai** derive that an animal owned in **partnership** with **a gentile** renders its Jewish owner exempt from the mitzva?

נָפְקָא לֵיהּ מֵרֵישָׁא דִּקְרָא ״רֵאשִׁית דְּגָנְךָ״ – וְלֹא שׁוּתָּפוּת גּוֹי.

The Gemara answers: He **derives it from the beginning of** this **verse,** which states with regard to *teruma*: **"The first fruits of your grain,** of your wine, and of your oil" (Deuteronomy 18:4), using the singular pronoun. This indicates that only in the case of produce owned by a Jew is one obligated to separate *teruma*, **but not** with regard to that which is owned **in partnership** with **a gentile.**

וְרַבָּנַן – ״רֵאשִׁית״ (הַגֵּז) הִפְסִיק הָעִנְיָן,

The Gemara asks: **And** why do the **Rabbis,** who derive the exemption of sheep owned in partnership with a gentile from the term "your flock," not derive this from the term "your grain"? The Gemara answers that the repetition of the term "the first" with regard to the first sheared wool: "The first fruits of your grain, of your wine, and of your oil, and **the first sheared wool** of your flock, shall you give him" (Deuteronomy 18:4), is an indication that the verse **concluded** discussion of **the** previous **matter.** The superfluous mention of "first" signals that the two issues discussed in this verse, which are the first fruits, i.e., *teruma*, and the first sheared wool, are two separate matters. Therefore, one cannot derive the *halakhot* of one from the other.

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וְרַבִּי אֶלְעַאי – וָי"ו הֶדַּר עַרְבֵיהּ,

The Gemara asks: **And** how does **Rabbi Ilai** respond to the Rabbis' claim? The Gemara answers: Rabbi Ilai holds that when the verse states: "And the first sheared wool," the conjunction **"and" goes back and combines** the two matters together.

Perek **XI**
Daf **135** Amud **b**

וְרַבָּנַן – לָא נִכְתּוֹב רַחֲמָנָא לָא וָי"ו וְלָא "רֵאשִׁית"!

The Gemara asks further: **And** how do **the Rabbis** respond to Rabbi Ilai's claim? The Gemara answers: The Rabbis do not accept that the conjunction "and" goes back and combines the two matters together, as, if that were so, **let the Merciful One write neither "and" nor "the first."**

וְרַבִּי אֶלְעַאי – אַיְידֵי דְּהַאי קְדוּשַׁת דָּמִים וְהַאי קְדוּשַׁת הַגּוּף, פָּסֵיק לְהוּ, וְהֶדַּר עָרְבֵי לְהוּ.

The Gemara asks: **And** how does **Rabbi Ilai** respond to this contention? The Gemara answers that Rabbi Ilai would say that the first sheared wool and *teruma* are essentially different obligations, as the first sheared wool is merely a monetary obligation with no inherent sanctity. By contrast, it is prohibited for non-priests to partake of *teruma*. **Since this** case of the first sheared wool involves only **sanctity** that inheres in its **value, and that** case of *teruma* referred to in the beginning of the verse involves **inherent sanctity,** the verse **separated them** through the repetition of the term "the first," **and** then the verse **went back and combined them** through the term "and," so that their *halakhot* could be derived from one another.

וְאִיבָּעֵית אֵימָא: שׁוּתָּפוּת גּוֹי בִּתְרוּמָה, דְּרַבָּנַן חִיּוּבֵי מְחַיְּבִי. דְּתַנְיָא: יִשְׂרָאֵל וְגוֹי שֶׁלָּקְחוּ שָׂדֶה בְּשׁוּתָּפוּת – טֶבֶל וְחוּלִּין מְעוֹרָבִים זֶה בָּזֶה, דִּבְרֵי רַבִּי. רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: שֶׁל יִשְׂרָאֵל – חַיָּיב, וְשֶׁל גּוֹי – פָּטוּר.

The Gemara provides an alternative explanation as to why the Rabbis do not derive the exemption of sheep owned in partnership with a gentile from the case of *teruma*. **If you wish, say** instead that **with regard to *teruma*, the Rabbis** hold that one who owns produce in **partnership** with **a gentile** is in fact **obligated, as it is taught** in a *baraita*: If there were **a Jew and a gentile who purchased a field in partnership,**[H] the produce grown in that field is considered to be **untithed produce,** which is subject to the *halakhot* of *terumot* and tithes, **and non-sacred** produce, which is exempt from the requirements of *terumot* and tithes, **mixed together;**[N] this is **the statement of Rabbi** Yehuda HaNasi. **Rabban Shimon ben Gamliel says:** The portion **of the Jew is obligated** in *teruma* and tithes, **but** the portion **of the gentile is exempt.**

HALAKHA

A Jew and a gentile who purchased a field in partnership, etc. – יִשְׂרָאֵל וְגוֹי שֶׁלָּקְחוּ שָׂדֶה בְּשׁוּתָּפוּת וכו': If a Jew and a gentile purchased a field in partnership, each stalk in the field is considered a mixture of untithed produce and non-sacred produce. This is true even if they divided the produce between them before harvesting it. Therefore, the Jew must separate *teruma* not only for his share, but also for the gentile's share. This ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, as explained by Rashi, and applies in Eretz Yisrael, where the obligation to separate *teruma* applies by Torah law. In Syria, and all the more so other places outside Eretz Yisrael, where the obligation applies by rabbinic law, the gentile's share is exempt. The reason is that although there is no retroactive clarification with regard to obligations that apply by Torah law, there is retroactive clarification concerning obligations that apply by rabbinic law. Accordingly, the *Shulḥan Arukh* writes that because nowadays the obligation to separate *teruma* applies only by rabbinic law even in Eretz Yisrael, the gentile's share is exempt in Eretz Yisrael as well (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:20–21; *Shulḥan Arukh*, *Yoreh De'a* 331:11).

NOTES

Untithed produce and non-sacred produce mixed together – טֶבֶל וְחוּלִּין מְעוֹרָבִים זֶה בָּזֶה: Separating *teruma* from this produce presents a difficulty, as one may not separate *teruma* from produce that is exempt from *teruma* on behalf of produce that is obligated. It is therefore necessary to ensure that the produce designated as *teruma* was never part of the gentile's portion. Rashi cites an opinion according to which there is no remedy in this situation: Since there is no retroactive clarification, it is impossible to determine which half of the produce originally belonged to the Jew and is obligated and which half originally belonged to the gentile and is exempt.

Rashi himself disagrees with this opinion and suggests a method of separating *teruma* in this case. If the owner has other produce from which he is certainly obligated to separate *teruma*, he may separate *teruma* from the other produce on behalf of half the mixed produce, i.e., the half that is obligated in *teruma*. If the owner does not have any other produce, he should separate *teruma* in full from the mixed produce itself, as it is considered with regard to each part of the produce as though half belonged to the Jew and half to the gentile. Accordingly, only half the produce separated as *teruma* is actually *teruma*, but as he cannot separate only this produce he must set aside twice the requisite amount.

Rashi elsewhere writes that one cannot separate *teruma* from the mixed produce, as it is possible that the part separated as *teruma* originally belonged entirely to the gentile (*Gittin* 47b). Apparently, Rashi here retracts from his previous statement in tractate *Gittin* (*Yam shel Shlomo*).

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BACKGROUND

Retroactive clarification – בְּרֵירָה: Retroactive clarification, or retroactive designation, is a principle according to which an object that initially was not explicitly designated for a certain purpose may retroactively be considered as though it were designated for that purpose from the outset. For example, if one declares that the last tenth of the produce to remain in his granary shall be designated as the tithe, according to the principle of retroactive clarification his separation of the tithe is valid, and the produce is considered tithed from the moment of his declaration, despite the fact that the tithe was not identifiable at that time. The reason is that when the last tenth remains, it is retroactively clarified that this has always been the designated tithe. There is a dispute between the Sages as to whether or not the principle of retroactive clarification is accepted. In practice, this principle is generally accepted with regard to questions pertaining to rabbinic law but not with regard to matters of Torah law.

עַד כָּאן לָא פְּלִיגִי, אֶלָּא דְּמָר סָבַר יֵשׁ בְּרֵירָה, וּמָר סָבַר אֵין בְּרֵירָה. אֲבָל שׁוּתָּפוּת דְּגוֹי – דִּבְרֵי הַכֹּל חַייָבֶת.

The Gemara explains the inference. **They disagree only with regard to** the following issue: **That** one **Sage,** Rabban Shimon ben Gamliel, **holds** that **there is** retroactive **clarification,**[B] which means that when they divide the produce it will be clarified who owned which produce from the outset; **and** one **Sage,** Rabbi Yehuda HaNasi, **holds** that **there is no** retroactive **clarification,** and because it grew in a mixed state, it retains that status even after they divide the produce. **But** with regard to produce that a Jew owns in **partnership** with **a gentile, everyone agrees** that it is **obligated** in *teruma*.

וְאִי בָּעֵית אֵימָא: תַּרְוַיְיהוּ לְרַבִּי אֶלְעַאי מִ״צֹאנְךָ״ נָפְקָא,

The Gemara presents an alternative explanation of Rabbi Ilai's opinion: **If you wish, say** instead that Rabbi Ilai does not derive only the exemption of sheep owned in partnership with a Jew from the term "your flock" while he derives the exemption of sheep owned in partnership with a gentile from the term "your grain." Rather, **according to Rabbi Ilai both** exemptions are **derived from** the term "**your flock.**"

שׁוּתָּפוּת דְּגוֹי מַאי טַעֲמָא – דְּלָא מְיַיחֲדָא לֵיהּ, לְיִשְׂרָאֵל נַמִּי – לָא מְיַיחֲדָא לֵיהּ. וְרַבָּנַן, גּוֹי – לָאו בַּר חִיּוּבָא הוּא, יִשְׂרָאֵל – בַּר חִיּוּבָא הוּא.

The Gemara explains why both exemptions can be derived from a single phrase: With regard to **partnership** with **a gentile, what is the reason** that one is exempted from the obligation of the first sheared wool? It is due to the fact **that** the sheep is **not exclusively his.** In the case of a partnership **with a Jew too,** the sheep is **not exclusively his.** The Gemara asks: **And** what do **the Rabbis** reply to this claim of Rabbi Ilai? The Gemara answers: The Rabbis hold that partnership with a Jew cannot be compared to partnership with a gentile, as **a gentile is not obligated** in the mitzva of the first sheared wool, whereas **a Jew is obligated.**

אֲמַר רָבָא: מוֹדֶה רַבִּי אֶלְעַאי בִּתְרוּמָה, אַף עַל גַּב דִּכְתִיב ״דְּגָנְךָ״ – דִּידָךְ אִין, דְּשׁוּתָּפוּת לָא,

§ **Rava said** with regard to the dispute between the Rabbis and Rabbi Ilai: Although **Rabbi Ilai** holds that two partners who own a sheep are exempt from the first sheared wool, he **concedes** that jointly owned produce is obligated **in *teruma*.** This is the *halakha* **even though it is written** with regard to *teruma*: "**Your grain**" (Deuteronomy 18:4), using the singular pronoun, from which one may infer that with regard to **yours, yes,** one is obligated, whereas with regard to that **which is** owned **in partnership,** the partners are **not** obligated.

כְּתַב רַחֲמָנָא ״תְּרוּמֹתֵיכֶם״. אֶלָּא ״דְּגָנְךָ״ לָמָּה לִי? לְמַעוּטֵי שׁוּתָּפוּת גּוֹי.

The Gemara explains that the joint owners of produce are nevertheless obligated in *teruma*, as **the Merciful One writes:** "There will I require **your *terumot***" (Ezekiel 20:40).[H] The use of the plural pronoun in this verse indicates that even partners who own produce are obligated in *teruma*. The Gemara asks: **But** if so, **why do I** need the term: "**Your grain,**" using the singular pronoun? The Gemara answers: This serves **to exclude** produce owned in **partnership** with **a gentile.**

חַלָּה אַף עַל גַּב דִּכְתִיב ״רֵאשִׁית״, וְאִיכָּא לְמֵימַר: נֵילַף ״רֵאשִׁית״ ״רֵאשִׁית״ מֵרֵאשִׁית הַגֵּז, מָה לְהַלָּן – דְּשׁוּתָּפוּת לָא, אַף כָּאן – דְּשׁוּתָּפוּת לָא, כְּתַב רַחֲמָנָא ״עֲרִסוֹתֵיכֶם״.

Similarly, with regard to ***ḥalla*,** the portion of dough that one is required to separate and give to a priest, Rabbi Ilai concedes that joint owners are obligated in this mitzva, **even though** one could claim otherwise, **as it is written:** "Of **the first** of your dough you shall set apart a cake for a gift" (Numbers 15:20), **and it is possible to say** that one **should derive** a verbal analogy between the term "**the first**" in this context and the term "**the first**" **from the first sheared wool: Just as there,** with regard to the first sheared wool, if the sheep are owned **in partnership** the owners are **not** obligated, **so too here,** with regard to *ḥalla*, if the dough is owned **in partnership** they are **not** obligated. Nevertheless, **the Merciful One writes:** "**Your dough,**"[H] using a plural pronoun, indicating that even joint owners of dough are obligated to separate *ḥalla*.

HALAKHA

In *teruma*…the Merciful One writes: Your *terumot* – …בִּתְרוּמָה…כְּתַב רַחֲמָנָא תְּרוּמֹתֵיכֶם: *Teruma* and tithes must be separated from produce owned in partnership (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 4:8; *Shulḥan Arukh*, *Yoreh De'a* 331:35).

With regard to *ḥalla*…the Merciful One writes: Your dough – חַלָּה…כְּתַב רַחֲמָנָא עֲרִסוֹתֵיכֶם: *Ḥalla* must be separated from dough owned in partnership (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 6:6; *Shulḥan Arukh*, *Yoreh De'a* 330:2).

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אֶלָּא טַעֲמָא דִּכְתִיב ״עֲרִיסוֹתֵיכֶם״, הָא לָאו הָכִי הֲוָה אָמִינָא: נֵילַף ״רֵאשִׁית״ ״רֵאשִׁית״ מֵרֵאשִׁית הַגֵּז? אַדְרַבָּה, נֵילַף מִתְּרוּמָה!

The Gemara challenges: **But** according to this claim, **the reason** joint owners of dough are obligated to separate *ḥalla* is **that it is written** "**your dough,**" using a plural pronoun. It can be inferred from here that **were that not** the case **I would say** that they are exempt, as **derived** by a verbal analogy between the term "**the first**" mentioned with regard to *ḥalla* and the term "**the first" from the first sheared wool. On the contrary,** one **should derive** a verbal analogy between the term "the first" with regard to *ḥalla* and the term "the first" **from *teruma*:** Just as the obligation to separate *teruma* applies to produce owned in partnership, so too, the obligation to separate *ḥalla* applies to dough owned in partnership. It is preferable to compare *ḥalla* to *teruma*, because their halakhic status is similar in that they are both prohibited to non-priests. If so, the inference from the term "your dough" is unnecessary.

הָכִי נַמִי, אֶלָּא ״עֲרִיסוֹתֵיכֶם״ לָמָּה לִי? כְּדֵי עֲרִיסוֹתֵיכֶם.

The Gemara explains: It **is indeed so;** the obligation of produce owned in partnership in the case of *ḥalla* is derived from the case of *teruma*. **But** if so, **why do I** need the term "**your dough**"**?** This teaches that the quantity of dough to which the obligation of *ḥalla* applies **is equivalent to** the quantity of **your dough,** i.e., the quantity of dough kneaded daily by the Jewish people when they were in the Sinai Desert, when the mitzva was given. This is one *omer* for each person (see Exodus 16:16), which is a tenth of an ephah (see Exodus 16:36).

פֵּאָה אַף עַל גַּב דִּכְתִיב ״שָׂדְךָ״ – דִּידָךְ אִין, שׁוּתָּפוּת לָא, כְּתַב רַחֲמָנָא ״וּבְקֻצְרְכֶם אֶת קְצִיר אַרְצְכֶם״, אֶלָּא ״שָׂדְךָ״ לָמָּה לִי? לְמַעוּטֵי שׁוּתָּפוּת גּוֹי.

Likewise, with regard to ***pe'a,*** produce in the corner of the field that is left for the poor, Rabbi Ilai concedes that the joint owners of produce are obligated, **even though it is written** in the verse cited below: "**Your field** [***sadekha***]," using a singular pronoun, from which it can be inferred that with regard to **your** field, **yes,** one is obligated, whereas with regard to that **which is** owned **in partnership,** one is **not** obligated. The reason is that **the Merciful One writes: "And when you reap** [***uvekutzrekhem***] **the harvest of your land,** you shall not entirely reap the corner of your field" (Leviticus 19:9). The term "when you reap" uses the plural pronoun, which indicates that even partners of land are obligated in *pe'a*. The Gemara asks: **But** if so, **why do I** need the term "**your field**" in the singular? The Gemara answers: This serves **to exclude** land owned in **partnership** with **a gentile** from the obligation of *pe'a*.

בְּכוֹרָה אַף עַל גַּב דִּכְתִיב ״כָּל הַבְּכוֹר אֲשֶׁר יִוָּלֵד בִּבְקָרְךָ וּבְצֹאנְךָ״ – דִּידָךְ אִין, דְּשׁוּתָּפוּת לָא,

Similarly, with regard to the **firstborn** status of a male firstborn kosher animal, Rabbi Ilai concedes that jointly owned animals are sanctified, **even though it is written: "All the firstborn that are born of your herd** [***bivkarekha***] **and of your flock** [***tzonekha***] that are male you shall sanctify to the Lord your God" (Deuteronomy 15:19). Once again it might have been inferred from the singular pronoun in the terms "your herd" and "your flock" that **your** firstborn, **yes,** are sanctified, but the firstborn **that is** owned **in partnership** is **not** sanctified.

כְּתַב רַחֲמָנָא ״וּבְכֹרֹת בְּקָרְכֶם וְצֹאנְכֶם״, אֶלָּא ״בְּקָרְךָ וְצֹאנְךָ״ לָמָּה לִי? לְמַעוּטֵי שׁוּתָּפוּת גּוֹי.

Therefore, **the Merciful One writes:** "And there you shall bring there your burnt offerings, and your peace offerings, and your tithes, and the gift of your hand, and your vows, and your gift offerings, **and the firstborn of your herd** [***bekarkhem***] **and of your flock** [***tzonekhem***]" (Deuteronomy 12:6).[H] The pronouns in the terms "your herd" and "your flock" in this verse are in the plural, which indicates that firstborn animals owned in partnership are sanctified. The Gemara asks: **But** if so, **why do I** need the terms "**your herd" and "your flock**" (Deuteronomy 15:19), where the pronouns are in the singular? The Gemara again answers: This serves **to exclude** animals owned in **partnership** with **a gentile,**[H] which are not sanctified.

HALAKHA

The Merciful One writes: And the firstborn of your herd and of your flock, etc. – כְּתַב רַחֲמָנָא וּבְכֹרֹת בְּקָרְכֶם וְצֹאנְכֶם וכו׳: If an animal is owned by Jews in partnership, its offspring is subject to being counted a firstborn (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 4:1; *Shulḥan Arukh*, *Yoreh De'a* 320:2).

Your herd and your flock, to exclude animals owned in partnership with a gentile – בְּקָרְךָ וְצֹאנְךָ...לְמַעוּטֵי שׁוּתָּפוּת גּוֹי: If an animal is owned by a Jew and a gentile in partnership, its offspring is not subject to being counted a firstborn. Even if the gentile owned one-thousandth of either the mother cow or the fetus, the firstborn calf is not sanctified (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 4:1; *Shulḥan Arukh*, *Yoreh De'a* 320:3).

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מְזוּזָה אַף עַל גַּב דִּכְתִיב ״בֵּיתֶךָ״ – דִּידָךְ אִין, שׁוּתָּפוּת לָא, כְּתַב רַחֲמָנָא ״לְמַעַן יִרְבּוּ יְמֵיכֶם וִימֵי בְנֵיכֶם״, וְאֶלָּא ״בֵּיתֶךָ״ לְמַאי אֲתָא? לְכִדְרַבָּה, דַּאֲמַר רַבָּה:

Likewise, with regard to **a *mezuza*,** Rabbi Ilai concedes that the house of two partners is obligated, **even though it is written:** "And you shall write them upon the doorposts of **your house** [***beitekha***]" (Deuteronomy 6:9), with a singular pronoun, from which one might have inferred that with regard to **your** house, **yes,** it is obligated, whereas a house owned by two people **in partnership** is **not** obligated. Consequently, **the Merciful One writes** with regard to the mitzva of *mezuza*: "**So that your days may be multiplied, and the days of your children**" (Deuteronomy 11:21). The use of the plural pronoun in the terms "your days" and "your children" in this verse indicates that partners are obligated in the mitzva of *mezuza*. The Gemara asks: **But** if so, **for what** purpose does the term "**your house** [***beitekha***]" **come?** The Gemara answers: It is necessary **for that which Rabba** derived, **as Rabba said:**

Perek **XI**
Daf **136** Amud **a**

דֶּרֶךְ בִּיאָתְךָ, מִן הַיָּמִין.

The term "your house [*beitekha*]" is similar to the term: You enter [*bi'atkha*], indicating that one places the *mezuza* in the **way** that **you enter** the house.[N] When a person lifts his foot to begin walking, he lifts his right foot first. Therefore, the *mezuza* is affixed **to the right** side of the doorway,[HN] as one enters.

מַעֲשֵׂר, אַף עַל גַּב דִּכְתִיב ״מַעְשַׂר דְּגָנְךָ״ – דִּילָךְ אִין, דְּשׁוּתָּפוּת לָא, כְּתַב רַחֲמָנָא ״מַעְשְׂרֹתֵיכֶם״, אֶלָּא ״מַעְשַׂר דְּגָנְךָ״ לְמַאי אֲתָא? לְמַעוּטֵי שׁוּתָּפוּת דְּגוֹי.

Similarly, with regard to **tithe,** Rabbi Ilai concedes that joint owners of produce are obligated, **even though it is written:** "**The tithe of your grain** [***deganekha***]" (Deuteronomy 12:17), using the singular pronoun, from which one might have inferred that with regard to **your** grain, **yes,** one is obligated, whereas with regard to that **which is** owned **in partnership,** one is **not** obligated. The reason is that **the Merciful One writes:** "All **your tithes** [***ma'asroteikhem***]" (Numbers 18:28),[H] using the plural pronoun, indicating that even partners are obligated in this mitzva. The Gemara asks: **But** if so, **for what** purpose does the term: "**The tithe of your grain** [***deganekha***]," using the singular pronoun, **come?** The Gemara answers: It serves **to exclude** produce owned in **partnership with a gentile** from the obligation of tithes.

מַתָּנוֹת, אַף עַל גַּב דִּכְתַב רַחֲמָנָא ״וְנָתַן״,

Likewise, with regard to the **gifts** to which members of the priesthood are entitled, i.e., the foreleg, the jaw, and the maw, Rabbi Ilai concedes that the joint owners of an animal are obligated, **even though the Merciful One writes:** "And this shall be the priests' due from the people, from those who slaughter an animal, whether it be ox or sheep; **and he shall give** to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3).

HALAKHA

The *mezuza* is affixed to the right side of the doorway – מִן הַיָּמִין: A *mezuza* should be affixed in the space of the doorway, within one handbreadth of the outer edge of the doorpost, at the beginning of the upper third of its height. If the *mezuza* was affixed higher than this, it is valid, provided it is at least one handbreadth below the lintel. It must be affixed to the right side of an individual entering the house, irrespective of whether or not he is left-handed (Rema). If the *mezuza* was affixed to the left side, it is invalid (Rambam *Sefer Ahava*, *Hilkhot Tefillin UMezuza VeSefer Torah* 6:12).

Tithe…the Merciful One writes: All your tithes, etc. – מַעֲשֵׂר...כְּתַב רַחֲמָנָא מַעְשְׂרֹתֵיכֶם וכו׳: If Jews own produce in partnership, they are obligated to separate *teruma* and tithes from their jointly owned produce (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 4:8; *Shulḥan Arukh*, *Yoreh De'a* 331:35).

NOTES

The way that you enter the house – דֶּרֶךְ בִּיאָתְךָ: Unlike in the previous discussions, the Gemara does not answer that the singular pronoun in the term: "Your house [*beitekha*]" (Deuteronomy 6:9), excludes from the obligation to affix a *mezuza* a house owned in partnership by a Jew and a gentile. The early commentaries explain that the reason the Gemara did not offer this answer is that since the obligation to affix a *mezuza* is incumbent upon the one who dwells in the house, as opposed to a requirement that applies to the house itself (*Pesaḥim* 4a; *Bava Metzia* 101b), if a Jew dwells in a house owned in partnership with a gentile he is obligated to affix a *mezuza*. Furthermore, even if a Jew lives in the house of a gentile, he is obligated in this mitzva (Rashba; Ritva; Ran; *Beit Yosef*, *Yoreh De'a* 286).

The way that you enter the house, to the right side of the doorway – דֶּרֶךְ בִּיאָתְךָ מִן הַיָּמִין: When entering a room, one generally leads with his right foot. The *mezuza* is therefore affixed to the right side (Rashi). The later commentaries note that according to this reasoning, a left-footed person, who is accustomed to lift his left foot first, should affix the *mezuza* to the left side of the doorway, just as a left-handed person wears phylacteries on his right arm whereas right-handed people wear them on their left. Yet there is an essential difference between the mitzvot of phylacteries and *mezuza*: Wearing phylacteries is a personal mitzva, whereas the *mezuza* serves all the inhabitants of the house. Therefore, even if the owner is left-footed the *mezuza* is affixed to the right side (*Beit Yosef*, *Yoreh De'a* 289, citing Mordekhai). Furthermore, the mitzva of phylacteries applies to one's body. Consequently, the place to affix them is determined by each individual's personal characteristics. Conversely, the mitzva of *mezuza* is incumbent upon the house, which is why even a left-footed person dwelling alone affixes the *mezuza* to the right side of the doorway (*Shakh*).

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אִיבָּא לְמֵימַר: יֵלִיף ״נְתִינָה״ ״נְתִינָה״ מֵרֵאשִׁית הַגֵּז, מַה לְהַלָּן – דְּשׁוּתָּפוּת לָא, אַף כָּאן – דְּשׁוּתָּפוּת לָא, כְּתַב רַחֲמָנָא ״מֵאֵת זִבְחֵי הָעֵבַח״.

The Gemara elaborates: **It is possible to say** that one should **derive** a verbal analogy between **giving** mentioned in the context of gifts to the priesthood and **giving from the first sheared wool.** The Torah states: "He shall give," with regard to the gifts of the priesthood, and it states: "Shall you give him" (Deuteronomy 18:4), with regard to the first sheared wool; **just as there,** with regard to the first sheared wool, sheep owned **in partnership** do **not** render their owners obligated, **so too here,** with regard to the gifts of the priesthood, an animal owned **in partnership** does **not** render the owners obligated. But **the Merciful One writes: "From those who slaughter an animal,"**[H] in the plural, indicating that even the owners of an animal owned in partnership are obligated to give the foreleg, the jaw, and the maw.

אֶלָּא טַעֲמָא דִּכְתַב רַחֲמָנָא ״מֵאֵת זִבְחֵי הַזֶּבַח״, הָא לָאו הָכִי הֲוָה אָמִינָא: לֵילַף מֵרֵאשִׁית הַגֵּז? אַדְרַבָּה, נֵילַף מִתְּרוּמָה!

The Gemara challenges: **But** according to this inference, **the reason** the joint owners of an animal are obligated in the gifts of the priesthood is **that the Merciful One writes: "From those who slaughter an animal,"** in the plural. **But** were it **not so, I would say** that they are exempt, as **derived** by means of a verbal analogy **from the first sheared wool. On the contrary,** since the term "shall you give him" is also referring to *teruma*, one should **derive** by means of a verbal analogy **from *teruma*:** Just as the obligation of *teruma* applies to those who own produce in partnership, so too, the requirement of the gifts of the priesthood applies to partners that own an animal together.

אֵין הָכִי נַמִּי, ״מֵאֵת זִבְחֵי הַזֶּבַח״ לָמָּה לִי? לְכִדְרָבָא, דַּאֲמַר רָבָא: הַדִּין עִם הַטַּבָּח.

The Gemara explains: **Yes,** it **is indeed so;** the obligation of partners with regard to gifts of the priesthood is derived from *teruma*. But if so, **why do I** need the phrase **"from those who slaughter an animal"?** It is necessary **for that which Rava** taught, **as Rava said:** The priest issues his **demand** to receive the foreleg, the jaw, and the maw **from the butcher**[N] who slaughtered the animal, not from the buyer.

בִּכּוּרִים, אַף עַל גַּב דִּכְתִיב ״אַרְצֶךָ״ – דִּידָךְ אִין, דְּשׁוּתָּפוּת לָא,

Similarly, with regard to the **first fruits,** Rabbi Ilai concedes that the joint owners of produce are obligated, **even though it is written:** "And you shall take of the first of all the fruit of the ground, which you shall bring in from **your land** [***be'artzekha***]" (Deuteronomy 26:2), using the singular pronoun. One might have inferred from the singular pronoun that with regard to **your** land, **yes,** one is obligated, whereas with regard to **that which is** owned **in partnership** one is **not** obligated.

כְּתַב רַחֲמָנָא ״בִּכּוּרֵי כָּל אֲשֶׁר (בְּאַרְצָךְ) [בְּאַרְצָם]״. אֶלָּא ״אַרְצְךָ״ לָמָּה לִי? לְמַעוּטֵי חוּצָה לָאָרֶץ.

Therefore, **the Merciful One writes: "The first fruits of all that is in their land,"**[H] which they bring to the Lord, shall be yours" (Numbers 18:13). The use of the plural pronoun indicates that even from land owned in partnership one is obligated to bring first fruits. The Gemara asks: **But** if so, **why do I** need the term **"your land** [***be'artzekha***]," using the singular pronoun? The Gemara answers: This serves **to exclude** produce grown **outside of Eretz** Yisrael[N] from the mitzva of the first fruits.[H]

NOTES

From those who slaughter…as Rava said, the priest issues his demand to receive the foreleg, the jaw, and the maw from the butcher – מֵאֵת זִבְחֵי הַזֶּבַח...דַּאֲמַר רָבָא הַדִּין עִם הַטַּבָּח: Rashi notes that Rava's statement is explained more fully in the previous chapter (132a). Rashi adds that the reason the term "those who slaughter" appears in the plural is that it is often the manner of the Torah to use the plural form even when referring to the obligation of an individual (see *Yissa Berakha*).

Why do I need the term your land, to exclude outside of Eretz Yisrael – אַרְצְךָ לָמָּה לִי לְמַעוּטֵי חוּצָה לָאָרֶץ: Rashi notes that this derivation is necessary, and the term: "Their land" (Numbers 18:13), is insufficient to derive that first fruit is not brought from produce grown outside of Eretz Yisrael. The reason is that the term "their land" could be understood as referring to any land owned by a Jew, even outside of Eretz Yisrael. By contrast, the singular form of the term "your land" emphasizes the uniqueness of the bond between land and owner. The Gemara therefore understands this term as referring either to land owned by a single individual, or, according to the Gemara's conclusion, to Eretz Yisrael, which belongs exclusively to the Jewish people.

The early commentaries ask: Since there is a principle that any mitzva that is dependent on the land applies only in Eretz Yisrael (*Kiddushin* 36b), it should be evident that the mitzva of the first fruits does not apply outside Eretz Yisrael. Why, then, is it necessary for the Gemara to derive this *halakha* from the term "your land"? The commentaries answer the following: Two verses juxtapose the mitzva of first fruits to the prohibition against cooking meat in milk: "The choicest first fruits of your land you shall bring into the House of the Lord your God; you shall not cook a kid in its mother's milk" (Exodus 23:19, 34:26). Therefore, one might derive that just as the prohibition against cooking meat in milk applies outside of Eretz Yisrael, the mitzva of first fruits likewise applies outside of Eretz Yisrael. The Gemara's inference from the term "your land" rules out this possibility (*Tosafot*, citing Rashbam).

HALAKHA

Gifts of the priesthood…the Merciful One writes: From those who slaughter an animal – מַתָּנוֹת...כָּתַב רַחֲמָנָא מֵאֵת זִבְחֵי הַזֶּבַח: If an animal is owned by partners, the partners are obligated in the gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, as the Torah states: "And this shall be the priests' due from the people, from those who slaughter an animal" (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 9:7).

First fruits…the Merciful One writes: The first fruits of all that is in their land – בִּכּוּרִים...כָּתַב רַחֲמָנָא בִּכּוּרֵי כָּל אֲשֶׁר בְּאַרְצָם: Partners are obligated in the mitzva to give the first fruits from their jointly owned produce (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 2:8).

To exclude outside of Eretz Yisrael from the mitzva of the first fruits – לְמַעוּטֵי חוּצָה לָאָרֶץ: The mitzva of first fruits applies only to produce grown in Eretz Yisrael. If one brought first fruits from outside Eretz Yisrael to the Temple, they do not have the halakhic status of first fruits. By rabbinic law, first fruits are brought from the cities formerly controlled by Sihon and Og, to the east of Eretz Yisrael, and from Syria, in accordance with the statement that one who buys land in Syria is comparable to one who buys land in Jerusalem (see *Gittin* 8a–b). The mitzva of first fruits does not apply in Ammon, Moab, and Babylonia (see *Kelim* 1:6), despite the fact that by rabbinic law *teruma* and tithes must be separated in those places (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 2:1).

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צִיצִית, אַף עַל גַּב דִּכְתַב רַחֲמָנָא ״בְּסוּתְךָ״ – דִּידָךְ אִין, דְּשׁוּתָּפוּת לָא,

Likewise, with regard to the mitzva to attach **ritual fringes** to one's garment, Rabbi Ilai concedes that a jointly owned garment is obligated, **even though the Merciful One writes:** "You shall make yourself twisted cords upon the four corners of **your covering** [***kesutekha***]" (Deuteronomy 22:12), using the singular pronoun. It might have been inferred from the singular form that with regard to **your** covering, **yes,** it is obligated, whereas with regard to **that which is** owned **in partnership** it is **not** obligated.

כְּתַב רַחֲמָנָא ״עַל כַּנְפֵי בִגְדֵיהֶם לְדֹרֹתָם״. וְאֶלָּא ״בְּסוּתְךָ״ לָמָּה לִי? לְכִדְרַב יְהוּדָה, דַּאֲמַר רַב יְהוּדָה: טַלִּית שְׁאוּלָה – פְּטוּרָה מִן הַצִּיצִית כָּל שְׁלֹשִׁים יוֹם.

Therefore, **the Merciful One writes:** "And they shall make for themselves fringes **in the corners of their garments,**[H] **throughout their generations,** and they shall put with the fringe of each corner a thread of blue" (Numbers 15:38). The use of the plural pronoun indicates that even jointly owned garments are obligated. The Gemara asks: **But** if so, **why do I** need the term "**your covering** [***kesutekha***]," using the singular pronoun? The Gemara answers: This is necessary **for that which Rav Yehuda** taught, **as Rav Yehuda said: A borrowed cloak is exempt from the** mitzva of **ritual fringes throughout** the first **thirty days.**[H]

מַעֲקֶה, אַף עַל גַּב דִּכְתַב רַחֲמָנָא ״לְגַגֶּךָ״ – דִּידָךְ אִין, דְּשׁוּתָּפוּת לָא,

Similarly, with regard to the obligation of establishing **a parapet** around a roof, Rabbi Ilai concedes that the joint owners of a roof are obligated, **even though the Merciful One writes:** "When you build a new house, then you shall make a parapet **for your roof** [***legaggekha***]," using the singular pronoun, "and you shall not bring blood upon your house, if any man falls from there" (Deuteronomy 22:8). One might have inferred from the singular form that with regard to **your** roof, **yes,** one is obligated, whereas with regard to **that which is** owned **in partnership** one is **not** obligated.

כְּתַב רַחֲמָנָא ״כִּי יִפֹּל הַנֹּפֵל מִמֶּנּוּ״. אֶלָּא ״גַּגֶּךָ״ לְמַאי אֲתָא? לְמַעוּטֵי בָּתֵּי כְנֵסִיּוֹת וּבָתֵּי מִדְרָשׁוֹת.

Therefore, **the Merciful One writes: "If any man falls from there,"**[H] indicating that wherever the danger of falling from the roof exists, there is an obligation to erect a parapet. The Gemara asks: **But** if so, **for what** purpose does the term "**your roof** [***gaggekha***]," using the singular pronoun, **come?** The Gemara answers: It serves **to exclude synagogues and houses of study.**[H]

אָמַר רַב בֵּיבִי בַּר אַבַּיֵי: לֵיתְנְהוּ לְהָנֵי כְּלָלֵי, דְּתַנְיָא: בְּהֵמַת הַשּׁוּתָּפִין חַייֶבֶת בִּבְכוֹרָה, וְרַבִּי אֶלְעָאי פּוֹטְרָהּ.

§ Rava maintains that although Rabbi Ilai holds that if a sheep is owned in partnership its owners are exempt from giving the first sheared wool to a priest, he concedes that partners are obligated with regard to all the other issues discussed above, including the mitzva of the firstborn animal and the gifts of the priesthood. **Rav Beivai bar Abaye said: These principles** stated by Rava **are not** accepted, **as it is taught** in a *baraita*: **An animal** owned by **partners is obligated in** the mitzva of **a firstborn,** i.e., its offspring is subject to firstborn status. **And Rabbi Ilai exempts** the animal from having its offspring subject to firstborn status.

HALAKHA

Ritual fringes…the Merciful One writes: In the corners of their garments, etc. – צִיצִית...כְּתַב רַחֲמָנָא עַל כַּנְפֵי בִגְדֵיהֶם וכו': One must attach ritual fringes to a garment owned by partners. The *Mishna Berura* adds that this applies even to a garment owned jointly by a Jew and a gentile, or a man and a woman. Nevertheless, one does not recite a blessing over this garment (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 14:5).

A borrowed cloak is exempt from ritual fringes throughout the first thirty days – טַלִּית שְׁאוּלָה פְּטוּרָה מִן הַצִּיצִית כָּל שְׁלֹשִׁים יוֹם: If one borrows a garment that does not have ritual fringes, he is exempt from affixing fringes for the first thirty days, as stated by Rav Yehuda. After the first thirty days, he is required by rabbinic law to affix ritual fringes to the garment, as it has the appearance of being owned by him. If one borrows a garment to which ritual fringes are already affixed, he may recite the blessing over it immediately (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 14:3).

Parapet…the Merciful One writes: If any man falls from there – מַעֲקֶה...כְּתַב רַחֲמָנָא כִּי יִפֹּל הַנֹּפֵל מִמֶּנּוּ: Jewish partners who own a house jointly are obligated to erect a parapet around their roof. This is because the Torah states: "If any man falls from there" (Deuteronomy 22:8), indicating that the obligation applies wherever there is a danger of falling from the roof. The commentaries disagree as to whether the mitzva applies to a house owned in partnership with a gentile (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:2; *Shulḥan Arukh*, *Ḥoshen Mishpat* 427:3, and see *Shakh* there).

To exclude synagogues and houses of study – לְמַעוּטֵי בָּתֵּי כְנֵסִיּוֹת וּבָתֵּי מִדְרָשׁוֹת: Synagogues and houses of study, which are not places of residence, are excluded from the obligation to erect a parapet around the roof, as it is stated: "Your roof," using the singular pronoun (Rambam *Sefer Nezikin*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 11:2; *Shulḥan Arukh*, *Ḥoshen Mishpat* 427:3).

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מַאי טַעְמָא דְּרַבִּי אִלְעַאי? דִּכְתִיב ״בְּקָרְךָ וְצֹאנֶךָ״, וְהָא כְּתִיב ״בְּקַרְכֶם וְצֹאנְכֶם״! דִּכּוּלְּהוּ יִשְׂרָאֵל.

The Gemara asks: **What is the reason for** the opinion of **Rabbi Ilai? As it is written:** "And the firstborn of **your herd and of your flock** [***bekarekha vetzonekha***]" (Deuteronomy 12:17), using the singular pronoun, indicating that only privately owned animals are consecrated. The Gemara comments: **But it is** also **written:** "And the firstborn of **your herd and of your flock** [***bekarkhem vetzonekhem***]" (Deuteronomy 12:6), using the plural pronoun. The Gemara explains: This verse is referring to the obligation **of all Jews**[N] to bring their firstborn animals to the Temple, but this applies only to animals with a single owner.

אֲמַר רַב חֲנִינָא מִסּוּרָא: לֵיתְנְהוּ לְהָנֵי כְּלָלֵי, דְּתַנְיָא: בְּהֵמַת הַשּׁוּתָּפִין חַייֶבֶת בַּמַּתָּנוֹת, וְרִבִּי אֶלְעַאי פּוֹטֵר. מַאי טַעְמָא – יָלִיף ״נְתִינָה״ ״נְתִינָה״ מֵרֵאשִׁית הַגֵּז, מַה לְּהַלָּן – דְּשׁוּתָּפוּת לָא, אַף כָּאן – דְּשׁוּתָּפוּת לָא.

Rav Ḥanina of Sura also **said: These principles** stated by Rava **are not** accepted, **as it is taught** in a *baraita*: **An animal** owned by **partners is obligated,** i.e., renders its owners obligated, **to** take **gifts** of the priesthood from it, **and Rabbi Ilai exempts** the partners from the obligation. **What is the reason** for Rabbi Ilai's statement? He **derives** a verbal analogy between **giving** mentioned in this context **and giving from the first sheared wool.** The Torah states: "He shall give" (Deuteronomy 18:3), with regard to the gifts of the priesthood, and: "Shall you give him" (Deuteronomy 18:4), with regard to the first sheared wool. **Just as there,** with regard to the first sheared wool, in the case of sheep owned **in partnership** the owners are **not** obligated according to Rabbi Ilai, **so too here,** with regard to the gifts of the priesthood, if the animal is owned **in partnership** the owners are **not** obligated.

וְאִי סָלְקָא דַּעְתָּךְ בִּתְרוּמָה מִיחַייֵב, נִילַף ״נְתִינָה״ ״נְתִינָה״ מִתְּרוּמָה, אֶלָּא שְׁמַע מִינָּהּ: בִּתְרוּמָה נַמִי פּוֹטֵר.

Rabbi Ḥanina of Sura adds: **And if it enters your mind** to accept Rava's statement that in the case **of *teruma*** Rabbi Ilai **deems** partners **obligated,** this is not possible. The reason is that the term "shall you give him" is also used with regard to *teruma*. Accordingly, instead of deriving the *halakha* of an animal owned by partners with regard to gifts of the priesthood by verbal analogy from the first sheared wool, one should **derive** by verbal analogy between **giving** mentioned with regard to gifts of the priesthood and **giving from *teruma*,** as follows: Just as joint owners of produce are obligated to separate *teruma* from that produce, so too with regard to an animal owned in partnership, the owners are obligated to take the gifts of the priesthood from it. **Rather, conclude from** the *baraita* that **with regard to *teruma* too,** Rabbi Ilai **deems** partners **exempt,** and therefore their exemption from the gifts of the priesthood can be derived either from the first sheared wool or from *teruma*.

אִי מַה תְּרוּמָה – בָּאָרֶץ אִין, בְּחוּצָה לָאָרֶץ לָא, אַף מַתָּנוֹת – בָּאָרֶץ אִין, בְּחוּצָה לָאָרֶץ לָא! אֲמַר רַבִּי יוֹסֵי מִנְּהַרְבִּיל: אִין. וְהָתַנְיָא, רַבִּי אֶלְעַאי אוֹמֵר: מַתָּנוֹת אֵין נוֹהֲגִין אֶלָּא בָּאָרֶץ, וְכֵן הָיָה רַבִּי אֶלְעַאי אוֹמֵר: רֵאשִׁית הַגֵּז אֵין נוֹהֵג אֶלָּא בָּאָרֶץ.

The Gemara raises a difficulty: **If** it is possible to derive *halakhot* of the gifts of the priesthood from *teruma* by verbal analogy, one could also say: **Just as** with regard to ***teruma*** the *halakha* is that **in Eretz** Yisrael, **yes,** it applies, whereas **outside of Eretz** Yisrael it does **not** apply, **so too,** with regard to the **gifts** of the priesthood, **in Eretz** Yisrael, **yes,** they apply, whereas **outside of Eretz** Yisrael they do **not** apply. **Rabbi Yosei of Neharbil said: Yes,** it is indeed so, **and it is taught** in a *baraita* that **Rabbi Ilai says:** The **gifts** of the priesthood **apply only in Eretz** Yisrael. **And likewise, Rabbi Ilai would say:** The mitzva of **the first sheared wool applies only in Eretz** Yisrael.

NOTES

This verse is referring to the obligation of all Jews – דִּכּוּלְּהוּ יִשְׂרָאֵל: Rav Beivai is saying that Rabbi Ilai exempts partners with regard to all of the ten mitzvot discussed earlier: Separating *teruma*, *ḥalla*, *pe'a*, the sanctity of the firstborn, *mezuza*, tithes, the gifts of the priesthood, the first fruit, ritual fringes, and erecting a parapet. Rava claims that Rabbi Ilai concedes that these mitzvot apply to partners, since the Torah uses the plural pronoun with regard to them. By contrast, Rav Beivai holds that just as the plural pronoun used with regard to the firstborn refers to the obligation of all Jews, so too, the plural pronoun with regard to the other nine mitzvot should be understood as a reference to the obligation of all Jews, not as referring to partners. Similarly, Rabbi Ḥanina claims that since Rabbi Ilai exempts partners from the mitzva of *teruma*, the plural pronoun in the term: "Your *terumot*" (Ezekiel 20:40), necessarily refers to the obligation of all Jews, and the plural pronoun used with regard to the other nine mitzvot should be understood in a like manner (*Torat Ḥayyim*). Other commentaries explain that Rabbi Ilai exempts partners only with regard to some of the ten matters (*Iggerot Moshe*).

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HALAKHA

From five sheep the wool accumulates – חָמֵשׁ מִצְטָרְפוֹת: If an owner of five sheep sheared one of them and sold the fleece before shearing the second, and he then sheared the second and sold the fleece before shearing the third, and then he sheared the third and sold its fleece, and so on, all of the fleece combines to render one obligated in the mitzva of the first sheared wool. This is the *halakha* even if the wool was shorn over a number of years, in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:15; *Shulḥan Arukh*, *Yoreh De'a* 333:12).

מַאי טַעְמָא דְּרַבִּי אִלְעַאי? אָמַר רָבָא: יָלִיף ״נְתִינָה״ ״נְתִינָה״ מִתְּרוּמָה, מַה תְּרוּמָה – בָּאָרֶץ אִין, בְּחוּצָה לָאָרֶץ לָא, אַף רֵאשִׁית הַגֵּז – בָּאָרֶץ אִין, בְּחוּצָה לָאָרֶץ לָא.

What is the reason for the ruling of **Rabbi Ilai? Rava said:** He **derives** by means of a verbal analogy between **giving** mentioned in the context of the first sheared wool and **giving from *teruma*** that **just as** with regard to ***teruma*** the *halakha* is that **in Eretz** Yisrael, **yes,** it applies, whereas **outside of Eretz** Yisrael, it does **not** apply; **so too,** with regard to **the first sheared wool, in Eretz** Yisrael, **yes,** it applies, whereas **outside of Eretz** Yisrael it does **not** apply.

אֲמַר לֵיהּ אַבַּיֵי: אִי מַה תְּרוּמָה טוֹבֶלֶת, אַף רֵאשִׁית הַגֵּז טוֹבֶלֶת! אֲמַר לֵיהּ: אֲמַר קְרָא ״וְרֵאשִׁית גֵּז צֹאנְךָ תִּתֶּן לוֹ״ – אֵין לְךָ בּוֹ אֶלָּא מֵרֵאשִׁיתוֹ וְאֵילָךְ.

Abaye said to Rava: **If** one compares the first sheared wool to *teruma* by means of a verbal analogy, one can say that **just as** with regard to the requirement to separate ***teruma,*** it **produces** the halakhic status of forbidden **untithed produce, so too** the requirement to separate **the first sheared wool produces** the halakhic status of **untithed produce,** i.e., wool from which the first sheared wool has not been separated should be forbidden. Yet this is not the *halakha*. Rava **said to him** that the **verse states: "And the first sheared wool of your flock, shall you give him,"** i.e., the priest, which indicates that **you,** i.e., the priest, have a right **to** the first sheared wool **only from its** designation as **the first sheared wool and onward.** Since the first sheared wool does not belong to the priest prior to its designation, it does not render the rest of the wool forbidden.

אִי מַה תְּרוּמָה – חַיָּבִים עָלֶיהָ מִיתָה וְחוֹמֶשׁ, אַף רֵאשִׁית הַגֵּז חַיָּבִים עָלָיו מִיתָה וְחוֹמֶשׁ!

Abaye continues to question Rava: **If** one compares the first sheared wool to *teruma* by means of a verbal analogy, one can say that **just as** non-priests who partake of ***teruma*** intentionally are **liable** to receive the punishment of **death** at the hand of Heaven, **and** those who do so unwittingly are obligated to pay an additional **one-fifth** of its value, **so too,** non-priests who derive benefit from **the first sheared wool** intentionally should be **liable** to **death** at the hand of Heaven, **and** those who do so unwittingly should be obligated to pay an additional **one-fifth** of its value.

אֲמַר קְרָא: ״וּמֵתוּ בּוֹ וְיָסַף עָלָיו״, ״עָלָיו״ – וְלֹא עַל רֵאשִׁית הַגֵּז, ״בּוֹ״ – וְלֹא בְּרֵאשִׁית הַגֵּז.

Rava replies: The **verse states** with regard to a non-priest who partakes of *teruma*: "Lest they bear sin for it, **and die because of it,** if they profane it … and if a man eat of the holy thing through error, **and he shall add** its fifth part **to it,** and shall give to the priest the holy thing" (Leviticus 22:9–14). Rava infers: "He shall add its fifth part **to it," and not to the first sheared wool. "And die because of it," and not because of the first sheared wool.** Consequently, a non-priest is liable to death at the hand of Heaven or to pay an additional one-fifth for partaking of *teruma*, but not for deriving benefit from the first sheared wool.

אִי מַה תְּרוּמָה – רִאשׁוֹן וְשֵׁנִי אֲחֵרֶיהָ, אַף רֵאשִׁית הַגֵּז – רִאשׁוֹן וְשֵׁנִי אֲחֵרֶיהָ! אֲמַר קְרָא: ״רֵאשִׁית״ – אֵין לְךָ בּוֹ אֶלָּא רֵאשִׁית בִּלְבַד.

Abaye further questions Rava: **If** one compares the first sheared wool to *teruma* by verbal analogy, one can say that **just as** with regard to ***teruma,*** the **first and second** tithes are separated from the produce **after** *teruma* is separated, **so too** with regard to the **first sheared wool, first and second** tithes should be separated from the fleece **after it.** Rava replies: The **verse states** that the first sheared wool is **"the first."** Since the verse already stated "first" with regard to *teruma*, its repetition indicates that in this case there is no second separation. One **does not have** any separation **in this** case **other than the first** one.

אִי מַה תְּרוּמָה – מֻחְדָּשׁ עַל הַיָּשָׁן לֹא, אַף רֵאשִׁית הַגֵּז – מֻחְדָּשׁ עַל הַיָּשָׁן לֹא! אִין,

Abaye continues to question Rava: **If** one compares the first sheared wool to *teruma* by means of a verbal analogy, one can say that **just as** with regard to ***teruma*** one may **not** separate **from** the **new** produce of this year **on** behalf of **the old** produce from last year, **so too,** one may **not** separate **the first sheared wool from** the **new** shearing of this year **on** behalf of **the old** shearing from last year. On this occasion Rava replied: **Yes,** that is the *halakha*.

וְהָתַנְיָא: הָיוּ לוֹ שְׁתֵּי רְחֵלוֹת, גָּזַז וְהִנִּיחַ, גָּזַז וְהִנִּיחַ, שְׁנַיִם וּשְׁלֹשָׁה שָׁנִים – אֵין מִצְטָרְפוֹת, הָא חָמֵשׁ – מִצְטָרְפוֹת.

Rava proves his point: **And it is** likewise **taught** that this is Rabbi Ilai's opinion, through a contradiction between two *baraitot*. One *baraita* teaches: A person **had two sheep;** he **sheared** them **and left** the shearing in his possession, and the following year he again **sheared** them **and left** the shearing in his possession, and continued in this manner for **two or three years.** Although the accumulated wool is equivalent to the wool of five sheep, to which the obligation of the first sheared wool applies, the wool **does not accumulate** to constitute the minimum amount, as only two sheep were shorn. This indicates that if the wool is from **five** sheep, then it **accumulates,** and one is obligated to give the priest the first sheared wool, despite the fact that the wool was shorn in different years.[H]

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וְהָתַנְיָא: אֵין מִצְטָרְפוֹת! אֶלָּא שְׁמַע מִינָּה: הָא – דְּרַבִּי אֶלְעַאי, וְהָא – דְּרַבָּנַן.

But isn't it taught in a *baraita* that even wool from five sheep shorn in different years **does not accumulate** to create an obligation? **Rather, conclude from** this contradiction that **this** second *baraita* is **in accordance with** the opinion of **Rabbi Ilai,** who compares the first sheared wool to *teruma*. Therefore, he holds that wool from separate years does not accumulate. **And that** first *baraita* is **in accordance with** the opinion of **the Rabbis,** who do not compare the first sheared wool to *teruma*. Therefore, they maintain that wool from separate years does accumulate.

אִי מַה תְּרוּמָה, גָּדֵל בְּחִיּוּב – חַיָּיב, גָּדֵל בְּפָטוּר – פָּטוּר, אַף רֵאשִׁית הַגֵּז נַמִּי, גָּדֵל בְּחִיּוּב – חַיָּיב, בְּפָטוּר – פָּטוּר!

Abaye asks Rava: **If** one compares the first sheared wool to *teruma*, one can say that **just as** with regard to ***teruma,*** if a Jew purchased a field from a gentile then produce that **grew under** the ownership of a Jew, who is **obligated** to separate *teruma* from his produce, is **obligated,** whereas produce that **grew under** the ownership of a gentile, whose produce is **exempt,** is **exempt** even after purchase by a Jew; **so too,** with regard to the **first sheared wool,** the fleece that **grew under** the ownership of a Jew, who is **obligated** in the first sheared wool, is **obligated,** whereas the fleece that grew **under** the ownership of a gentile, who is **exempt,** is **exempt** even after purchase by a Jew.

וְגַבֵּי תְּרוּמָה מְנָלָן? דְּתַנְיָא: יִשְׂרָאֵל שֶׁלָּקַח שָׂדֶה בְּסוּרְיָא מִגּוֹי, עַד שֶׁלֹּא הֵבִיאָה שְׁלִישׁ – חַיָּיב, מִשֶּׁהֵבִיאָה שְׁלִישׁ, רַבִּי עֲקִיבָא מְחַיֵּיב בַּתּוֹסֶפֶת, וַחֲכָמִים פּוֹטְרִין.

Abaye adds: **And with regard to *teruma*, from where do we** derive that produce that grew when owned by a gentile is exempt? **As it is taught** in a *baraita*: With regard to **a Jew who purchased a field in Syria**[B] **from a gentile,**[H] if he bought the field **before** the produce **reached one-third** of its growth, he is **obligated** to separate *teruma*. If he bought the field **after** the produce **reached one-third** of its growth, **Rabbi Akiva deems him obligated** to separate *teruma* **from the** growth **added** after he bought the field, **and the Rabbis deem** him **exempt.** All agree, though, that he is exempt with regard to the part of the produce that grew under the gentile's ownership.

וְכִי תֵּימָא הָכִי נַמִּי, וְהָתְנַן: הַלּוֹקֵחַ גֵּז צֹאן גּוֹי – פָּטוּר מֵרֵאשִׁית הַגֵּז, הָא צֹאנוֹ לְגִזּוֹז – חַיָּיב! מַתְנִיתִין

And if you would say: Indeed, Rabbi Ilai holds that wool that grew under the ownership of a gentile is exempt from the mitzva of the first sheared wool, that is difficult, as **didn't we learn** in the mishna (135a): **One who purchases the fleece of** the **sheep of a gentile** is **exempt from** the obligation of the **first sheared wool?** It can be inferred from the mishna that if one purchased the gentile's **sheep** when they were ready **for shearing,** he is **obligated** in the mitzva of the first sheared wool. Rava replied: **The mishna**

BACKGROUND

Syria – סוּרְיָא: Syria is comprised of the lands north of Eretz Yisrael that were conquered by King David. The biblical names for these areas are Aram, Aram of Damascus, and Aram Zobah. This area is roughly parallel to modern-day Syria, extending as far as Aleppo, although the border of Eretz Yisrael was further north than the current border of the State of Israel. The Sages accorded Syria a halakhic status in between the status of Eretz Yisrael and that of outside of Eretz Yisrael: Although it does not have the sanctity of Eretz Yisrael, some of the *halakhot* unique to Eretz Yisrael also apply in Syria, either completely or partially. This is because when Syria was conquered by King David, he conquered it as an individual rather than as the representative of the entire Jewish people. Another reason for Syria's special status is that it was under Jewish rule during various other periods.



Syria

HALAKHA

A Jew who purchased a field in Syria from a gentile – יִשְׂרָאֵל שֶׁלָּקַח שָׂדֶה בְּסוּרְיָא מִגּוֹי: In a case where a Jew purchased a field in Syria from a gentile before the produce reached one-third of its growth, and then he sold it back to the gentile after it reached one-third of its growth, if the Jew subsequently purchased the field a second time he is obligated to separate *teruma* and tithes from this produce, as the obligation took effect while the field was under Jewish ownership (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:18).

Perek **XI**
Daf **136** Amud **b**

דְּלָא כְּרַבִּי אֶלְעַאי;

is not in accordance with the opinion of **Rabbi Ilai,** who holds that if the wool grew under the ownership of a gentile one is exempt from separating the first sheared wool.

אִי מַה תְּרוּמָה – מִמִּין עַל שֶׁאֵינוֹ מִינוֹ, לֹא. אַף רֵאשִׁית הַגֵּז – מִמִּין עַל שֶׁאֵינוֹ מִינוֹ, לֹא!

Abaye further asks Rava: **If** one compares the first sheared wool to *teruma*, can one say that **just as** with regard to ***teruma*** one may **not** separate *teruma* **from** one **type** of produce **on** behalf of that **which is not** of the same **type, so too,** one may **not** separate **the first sheared wool from** one **type** of sheep **on** behalf of sheep **which are not** of the same **type?**

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וְגַבֵּי תְּרוּמָה מְנָלַן? דְּתַנְיָא: הָיוּ לוֹ שְׁנֵי מִינֵי תְּאֵנִים שְׁחוֹרוֹת וּלְבָנוֹת, וְכֵן שְׁנֵי מִינֵי חִטִּין – אֵין תּוֹרְמִים וּמְעַשְּׂרִים מִזֶּה עַל זֶה. רַבִּי יִצְחָק אוֹמֵר מְשׁוּם רַבִּי אֶלְעָאי: בֵּית שַׁמַּאי אוֹמְרִים אֵין תּוֹרְמִין, וּבֵית הִלֵּל אוֹמְרִים תּוֹרְמִין. אַף רֵאשִׁית הַגֵּז – מִמִּין עַל שֶׁאֵינוֹ מִינוֹ לֹא!

The Gemara asks: **And with regard to *teruma*, from where do we** derive that one may not do so? **As it is taught** in a *baraita*: If **one had two types of figs, black** figs **and white** figs; **or similarly,** if one had **two types of wheat,**[H] one may **not separate *teruma* and tithes from this** type **on** behalf of **that** type. **Rabbi Yitzḥak says in the name of Rabbi Ilai: Beit Shammai say** that one may **not separate *teruma*** from one of these on behalf of the other, **and Beit Hillel say** that one may **separate *teruma*** from one on behalf of the other, as they consider all forms of figs or wheat to be a single type. But all agree that with regard to two distinct types of food one may not separate *teruma* from one type on behalf of another type. **So too,** with regard to **the first sheared wool,** perhaps one may **not** separate **from** one **type** of sheep **on** behalf of sheep **which are not** of the same **type.**

אִין, וְהָתְנַן: הָיוּ לוֹ שְׁנֵי מִינִים, שְׁחוּפוֹת וּלְבָנוֹת, מָכַר לוֹ שְׁחוּפוֹת אֲבָל לֹא לְבָנוֹת – זֶה נוֹתֵן לְעַצְמוֹ וְזֶה נוֹתֵן לְעַצְמוֹ.

Rava replied: **Yes,** this is the *halakha*. **And we learned** in the mishna (135a) that one may not separate the first sheared wool from one type of sheep on behalf of another: If the seller **had two types** of sheep, **gray and white,** and he **sold him** the **gray** fleece **but not** the **white** fleece, then **this** seller **gives** the first sheared wool **for himself** from the wool that he kept, **and that** buyer **gives** the first sheared wool **for himself** from the wool that he bought.

אֶלָּא מֵעַתָּה סֵיפָא דְּקָתָנֵי, וְכָרִים אֲבָל לֹא נְקֵבוֹת – זֶה נוֹתֵן לְעַצְמוֹ וְזֶה נוֹתֵן לְעַצְמוֹ, הָכִי נַמִּי מְשׁוּם דְּתֶרֵי מִינֵי נִינְהוּ?

The Gemara objects: **If that is so,** then consider **the latter clause, which teaches:** If he sold the fleece of the **male** sheep **but not** of the **female** sheep, then **this** seller **gives** the first sheared wool **for himself** from the wool that he kept, **and that** buyer **gives** the first sheared wool **for himself** from the wool that he bought. Is this **also due to** the fact that **they are two** different **types?** Clearly, it is not.

אֶלָּא – עֵצָה טוֹבָה קָא מַשְׁמַע לָן, דְּלֵיתִיב לֵיהּ מֵהַאי דְּרַכִּיךְ וּמֵהַאי דְּאַשְׁוָון. הָכָא נַמִּי: עֵצָה טוֹבָה קָא מַשְׁמַע לָן, דְּלֵיתִיב לְהוּ מִתַּרְוַיְיהוּ!

The Gemara explains: **Rather,** the mishna **teaches us good advice.** The seller is obligated to give the first sheared wool even on behalf of the wool he sold. Since the fleece of the female sheep is softer and more valuable, it is profitable for the seller to buy back part of the fleece of the male sheep and separate it as the first sheared wool on behalf of the sheep he sold, so **that he gives** the priest both **from this** wool **that is soft and from that** wool **that is hard,** rather than giving him from the fleece of his female sheep on behalf of the male sheep. **Here too,** with regard to the gray and white sheep, the mishna **teaches us good advice,** that it is profitable for the seller to buy back part of the fleece of the gray sheep, so **that he gives** the priests **from both** types of wool, rather than giving the first sheared wool entirely from the more valuable white fleece.

הָא אוֹקִימְנָא לְמַתְנִיתִין דְּלָא כְּרַבִּי אֶלְעָאי.

According to the above explanation, the mishna rules that it is permitted to separate the first sheared wool from one type of sheep on behalf of another type. This is difficult according to the opinion of Rabbi Ilai, who compares the first sheared wool to *teruma*, where this practice is prohibited. The Gemara answers: **We** already **established that the mishna is not in accordance with** the opinion of **Rabbi Ilai.**

אִי מַה תְּרוּמָה – בָּעֵינַן רֵאשִׁית שֶׁשִּׁירֶיהָ נִיכָּרִין, אַף רֵאשִׁית הַגֵּז – שֶׁשִּׁירֶיהָ נִיכָּרִין!

The Gemara challenges further: **If** one compares the first sheared wool to *teruma* by means of a verbal analogy, one can say that **just as** with regard to ***teruma* we require** it to be **a first** gift **whose remainders are evident,** i.e., a part of the produce must remain after one has separated *teruma*, **so too, the first sheared wool** must be a gift **whose remainders are evident.** The Gemara responds: **Yes,** it is indeed so.

אֵין,

HALAKHA

One had two types of figs…or similarly two types of wheat, etc. – הָיוּ לוֹ שְׁנֵי מִינֵי תְּאֵנִים…וְכֵן שְׁנֵי מִינֵי חִטִּין וכו׳: All types of wheat are considered a single type with regard to *teruma*. Likewise, all types of figs, dried figs, and pressed figs are considered a single type. One may therefore separate *teruma* from one on behalf of the other, as stated by Beit Hillel (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 5:3).

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וְהָתְנַן: הָאוֹמֵר ״כָּל גָּרְנִי תְּרוּמָה, וְכָל עִיסָּתִי חַלָּה״ – לֹא אָמַר כְּלוּם. הָא ״כָּל גִּזֵּי רֵאשִׁית״ – דְּבָרָיו קַיָּימִין. וְתַנְיָא אִידָךְ: לֹא אָמַר כְּלוּם!

The Gemara cites a proof for this claim. **And we learned** in a mishna (*Ḥalla* 1:9): With regard to **one who says: All my granary** shall be ***teruma*,**[H] **or: All my dough** shall be ***ḥalla*,**[H] he **has not said anything. But** one can infer from the mishna that if he said: **All my shearing** shall be designated as **first** sheared wool, **his declaration is valid. And** yet it **is taught** in **another** tannaitic source, a *baraita*, that if he said: All my shearing shall be designated as first sheared wool, he **did not say anything.**

אֶלָּא לָאו שְׁמַע מִינָּה: הָא – רַבִּי אֶלְעַאי, וְהָא – רַבָּנַן, שְׁמַע מִינָּה.

Rather, must one **not conclude from** the conflicting rulings that **this** *baraita* is in accordance with the opinion of **Rabbi Ilai,** who compares the first sheared wool to *teruma*, **and that** mishna is in accordance with the opinion of **the Rabbis,** who do not compare the two cases? The Gemara affirms: **Conclude from** here that this is correct.

אָמַר רַב נַחְמָן בַּר יִצְחָק: הָאִידָּנָא נָהוּג עָלְמָא כְּהָנֵי תְּלָת סָבֵי. כְּרַבִּי אֶלְעַאי – בְּרֵאשִׁית הַגֵּז. דְּתַנְיָא, רַבִּי אֶלְעַאי אוֹמֵר: רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּאָרֶץ.

§ **Rav Naḥman bar Yitzḥak said: Nowadays the universally** accepted **practice is in accordance with** the lenient rulings of **these three elders:**[N] It is **in accordance with** the opinion of **Rabbi Ilai**[N] **with regard to the first sheared wool,**[N] **as it is taught** in a *baraita* that **Rabbi Ilai says:** The mitzva of **the first sheared wool applies only in Eretz** Yisrael.[H]

HALAKHA

All my granary shall be *teruma* – כָּל גָּרְנִי תְּרוּמָה: With regard to one who separates a greater portion of his produce than required as *teruma*, if he left a portion of the produce as non-sacred, his separation is valid. But if he said: All this produce shall be *teruma*, then his declaration is of no effect, as stated by the mishna in tractate *Ḥalla* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 3:5).

All my dough shall be *ḥalla* – כָּל עִיסָּתִי חַלָּה: If one declares that all his dough should be *ḥalla*, his statement is of no effect, unless he left a part of the dough non-sacred, as stated by the mishna in tractate *Ḥalla* (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 5:1; *Shulḥan Arukh*, *Yoreh De'a* 322:1).

The first sheared wool applies only in Eretz Yisrael – רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּאָרֶץ: The mitzva of the first sheared wool applies only in Eretz Yisrael, whether or not the Temple is standing. According to some authorities, the mitzva of the first sheared wool applies even outside of Eretz Yisrael by Torah law (Rema, citing *Tur*). Nevertheless, the accepted custom is not in accordance with this opinion (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:1; *Shulḥan Arukh*, *Yoreh De'a* 333:1).

NOTES

The universally accepted practice is in accordance with the lenient rulings of these three elders – נָהוּג עָלְמָא כְּהָנֵי תְּלָת סָבֵי: *Tosafot* note that with regard to each of these *halakhot* it became the accepted practice to follow the lenient ruling notwithstanding a dissenting majority opinion. With regard to the first sheared wool and the gifts of the priesthood, which are equivalent in this regard in his opinion, the Gemara (132a) lists many *amora'im* who received the gifts of the priesthood, even though they lived in Babylonia. Clearly they held that these gifts apply even outside of Eretz Yisrael. Concerning the sowing of diverse kinds, most of the *amora'im* do not accept Rabbi Yoshiya's opinion (see *Shabbat* 139b). With regard to one who experiences a seminal emission, many *tanna'im* and *amora'im* hold that it is prohibited for him to engage in Torah study until he immerses himself in a ritual bath (*Berakhot* 22a).

In accordance with the opinion of Rabbi Ilai – כְּרַבִּי אֶלְעַאי: The early commentaries raise a difficulty: Rav Naḥman bar Yitzḥak rules here that the gifts of the priesthood do not apply outside of Eretz Yisrael. Yet in the previous chapter (132b), the Gemara states that Rav Naḥman bar Yitzḥak, who lived outside Eretz Yisrael, fined butchers who neglected to give the gifts of the priesthood by appropriating their cloaks. The commentaries answer that Rav Naḥman bar Yitzḥak acted in this manner before it became the accepted practice to follow the ruling of Rabbi Ilai (*Tosafot*).

In accordance with the opinion of Rabbi Ilai with regard to the first sheared wool – כְּרַבִּי אֶלְעַאי בְּרֵאשִׁית הַגֵּז: According to some of the early commentaries, this ruling applies both to the first sheared wool and to the gifts of the priesthood, i.e., the foreleg, the jaw, and the maw (Rashi; *Tosafot*; Rosh). Others maintain that the custom to follow Rabbi Ilai's lenient ruling only applies to the first sheared wool, whereas the obligation to give gifts of the priesthood applies even outside of Eretz Yisrael (Rambam; Ramban; Ran). Both opinions are cited by the *Shulḥan Arukh*.

There are also divergent opinions with regard to the fulfillment of these mitzvot today in Eretz Yisrael. Some hold that the second consecration of Eretz Yisrael, at the time of Ezra, remains in effect even after the destruction of the Temple, and therefore the mitzvot of the first sheared wool and the gifts of the priesthood apply by Torah law, like *teruma* (Ra'avad). Others maintain that the second consecration was abrogated by the destruction of the Second Temple, and therefore the mitzva of the gifts of the priesthood applies by rabbinic law, not by Torah law (Rashba). With regard to the opinion of the Rambam, although he holds that the second consecration is in effect even after the destruction of the Temple, he states that the mitzva of *teruma* applies by Torah law only when the majority of the Jewish people live in Eretz Yisrael. Therefore, the mitzva of the gifts of the priesthood also applies by rabbinic law, not by Torah law. Nevertheless, the common practice is to refrain from giving the gifts of the priesthood in Eretz Yisrael altogether. The later commentaries suggest the following explanation for this practice: Generally, priests are unable to prove their priestly lineage, and it is inappropriate for one to receive the gifts of the priesthood without proving his lineage. Nevertheless, some commentaries write that one should give the gifts of the priesthood in Eretz Yisrael nowadays (*Ḥazon Ish*).

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וּכְרַבִּי יְהוּדָה בֶּן בְּתֵירָה – בִּדְבְרֵי תוֹרָה, דְּתַנְיָא, רַבִּי יְהוּדָה בֶּן בְּתֵירָה אוֹמֵר: אֵין דִּבְרֵי תוֹרָה מְקַבְּלִין טוּמְאָה.

And the accepted practice is **in accordance with** the opinion of **Rabbi Yehuda ben Beteira with regard to matters of Torah,**[N] **as it is taught** in a *baraita* that **Rabbi Yehuda ben Beteira says: Matters of Torah are not susceptible to ritual impurity.**[NH] Therefore, it is permitted for one who experienced a seminal emission to engage in Torah study even without first immersing in a ritual bath.

וּכְרַבִּי יֹאשִׁיָּה – בִּכְלָאַיִם, דְּתַנְיָא, רַבִּי יֹאשִׁיָּה אוֹמֵר: לְעוֹלָם אֵין חַיָּיב עַד שֶׁיִּזְרַע חִטָּה וּשְׂעוֹרָה וְחַרְצָן בְּמַפּוֹלֶת יָד.

And lastly, the accepted practice is **in accordance with** the opinion of **Rabbi Yoshiya with regard to diverse kinds, as it is taught** in a *baraita* that **Rabbi Yoshiya says: One** who sows diverse kinds **is never liable** by Torah law **until he sows wheat and barley and** a grape **pit with a single hand motion,**[H] i.e., by sowing in the vineyard he violates the prohibitions of diverse kinds that apply to seeds and to the vineyard simultaneously.

"חוֹמֶר בִּזְרוֹעַ" [וכו']. וְלִיתְנֵי חוֹמֶר בְּרֵאשִׁית הַגֵּז שֶׁנִּוּהַג בִּטְרוּפוֹת, מַה שֶּׁאֵין כֵּן בְּמַתָּנוֹת!

§ The mishna states: There are more **stringent** elements **in** the mitzva of **the foreleg,** the jaw, and the maw than in the mitzva of the first sheared wool. The mishna then proceeds to list a number of these stringent elements. The Gemara objects: **But let** the mishna **teach** that there is a more **stringent** element **in** the mitzva of **the first sheared wool, as** it **is in effect with regard to animals with a wound that will cause them to die within twelve months** [***tereifot***], but that **is not so with regard to the gifts** of the priesthood, i.e., the foreleg, the jaw, and the maw, which are not given to the priest from a *tereifa*. This is because the Torah states: "He shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3), whereas in the case of a *tereifa* the gifts are effectively not given to the priest himself but to his dog, as it is prohibited for the priest to eat them.

אֲמַר רָבִינָא: הָא מַנִּי – רַבִּי שִׁמְעוֹן הִיא, דְּתַנְיָא: רַבִּי שִׁמְעוֹן פּוֹטֵר אֶת הַטְּרוּפוֹת מֵרֵאשִׁית הַגֵּז. מַאי טַעֲמָא דְּרַבִּי שִׁמְעוֹן? יֵלֵיף "נְתִינָה" "נְתִינָה" מִמַּתָּנוֹת, מַה מַּתָּנוֹת – טְרֵפָה לֹא, אַף רֵאשִׁית הַגֵּז נַמִּי – טְרֵפָה לֹא.

Ravina said: In accordance with **whose** opinion **is this** mishna? **It is** in accordance with the opinion of **Rabbi Shimon, as it is taught** in a *baraita*: **Rabbi Shimon deems *tereifot* exempt from** the mitzva of **the first sheared wool. What is the reason for** the ruling of **Rabbi Shimon?** The reason is that he **derives** a verbal analogy between the term **giving** mentioned with regard to the first sheared wool and **giving from the gifts** of the priesthood. The Torah states: "Shall you give him" (Deuteronomy 18:4), with regard to the first sheared wool, and it states: "He shall give," with regard to the gifts of the priesthood. **Just as** with regard to the **gifts** of the priesthood, one is **not** obligated to give them from **a *tereifa*** animal, **so too,** with regard to **the first sheared wool,** one is **not** obligated to give them from **a *tereifa*.**

NOTES

In accordance with the opinion of Rabbi Yehuda ben Beteira with regard to matters of Torah – כְּרַבִּי יְהוּדָה בֶּן בְּתֵירָה בִּדְבְרֵי תוֹרָה: Ezra instituted an ordinance that one who experiences a seminal emission must immerse in a ritual bath prior to studying Torah or praying. According to Rabbi Yehuda ben Beteira, this ordinance is no longer in effect. The later commentaries ask how Rabbi Yehuda ben Beteira could revoke an ordinance that had been in effect for many generations, as one rabbinical court cannot rescind an ordinance instituted by another rabbinical court, unless it is superior to the earlier court in wisdom and in number (see *Megilla* 2a). The commentaries explain that from the outset this particular ordination included a stipulation that later Sages have the authority to rescind the decree in the future (see *Moed Katan* 3b). Others answer that this ordinance was never adopted by the majority of the Jewish people, and therefore a lesser court could rescind it (see *Tosafot* on *Bava Kama* 82b). *Tosafot* on 122b cite the opinion of Rabbeinu Ḥananel that Ezra's ordinance was rescinded only with regard to Torah study but not with regard to prayer (*Yissa Berakha*).

The Gemara (*Pesaḥim* 7b) states: One recites a blessing prior to performing all mitzvot, except for ritual immersion, as before one's immersion one is unfit to recite a blessing. The *ge'onim* write that this ruling applies only to the immersion of a convert, who cannot recite the phrase: Who commanded us, before his immersion, as he is not yet Jewish. But one who immerses in a ritual bath due to a seminal emission does recite the blessing before he immerses himself, as according to the opinion of Rabbi Yehuda ben Beteira he is fit to recite blessings prior to immersing (*Tosafot*, citing Rav Hai Gaon). *Tosafot* also cite a different opinion, according to which the blessing is always recited after the immersion. The reason for this is that although the accepted practice follows the opinion of Rabbi Yehuda ben Beteira, many people are stringent in this matter and immerse themselves before they study Torah or recite blessings. Therefore, the correct practice is to immerse oneself first and recite the blessing afterward.

Matters of Torah are not susceptible to ritual impurity – אֵין דִּבְרֵי תוֹרָה מְקַבְּלִין טוּמְאָה: This statement does not contradict the prohibition against reciting matters of Torah in a place of filth (*Berakhot* 24b). The difference between filth and impurity is that ritual impurity is not concrete but conceptual, and as the words of the Lord are like fire they are incapable of becoming ritually impure (see *Berakhot* 22a). By contrast, filth that can be perceived by the senses impresses upon the individual that he is in a contemptible place, and one who recites matters of Torah in such a place is included in the verse (Numbers 15:31): "For he has shown contempt for the word of the Lord" (*Kesef Mishne*).

HALAKHA

Matters of Torah are not susceptible to ritual impurity – אֵין דִּבְרֵי תוֹרָה מְקַבְּלִין טוּמְאָה: It is permitted for one who is ritually impure to read the Torah, recite *Shema*, and pray, except if he experienced a seminal emission. Ezra decreed that it is prohibited for one who experienced a seminal emission to engage in these matters until he immerses in a ritual bath, so that Torah scholars would not be with their wives constantly. This decree was never adopted by the entire Jewish people, and most people were unable to adhere to it. Therefore, Ezra's ordinance was repealed in subsequent generations, and it is permitted for one who experienced a seminal emission to engage in all these activities without immersion in a ritual bath. This became the accepted practice, in accordance with the ruling of Rabbi Yehuda ben Beteira that matters of Torah are not susceptible to ritual impurity. Furthermore, it is permitted for all those who are ritually impure to hold the Torah scroll and read from the Torah, provided their hands are not filthy. The commentaries write that even so, one who wishes to adopt the custom of immersing himself after a seminal emission before praying and studying Torah is praiseworthy. Nevertheless, one may not wait to immerse himself if meanwhile the time for reciting the *Shema* and the morning prayer is liable to elapse. Furthermore, it is possibly improper to delay even if this practice merely causes one to miss the opportunity to pray with a quorum of ten men. The *Mishna Berura* adds that if one wishes to adhere to Ezra's ordinance but he finds it difficult to immerse himself, he may instead pour on himself nine *kav* of water. Drawn water is fit for this purpose, and the nine *kav* may be poured from up to three vessels. The later commentaries note that immersing oneself in forty *se'a* of drawn water is also sufficient with regard to Ezra's ordinance (Rambam *Sefer Ahava*, *Hilkhot Tefillin UMezuza VeSefer Torah* 10:8; *Shulḥan Arukh* 282:9 and *Mishna Berura* there).

One who sows diverse kinds is never liable until he sows wheat and barley and a grape pit with a single hand motion – לְעוֹלָם אֵין חַיָּיב עַד שֶׁיִּזְרַע חִטָּה וּשְׂעוֹרָה וְחַרְצָן בְּמַפּוֹלֶת יָד: One is liable to be flogged for planting diverse kinds in a vineyard only if he plants wheat and barley and a grape pit at one time in Eretz Yisrael. One is also liable if he covers them with soil. Furthermore, this prohibition applies to either two species of vegetable seed and a grape pit or one vegetable seed, one seed of grain, and one grape pit. By rabbinic law, this prohibition applies outside of Eretz Yisrael as well, in accordance with the opinion of Rabbi Yoshiya (Rambam *Sefer Zera'im*, *Hilkhot Kilayim* 5:1–2; *Shulḥan Arukh*, *Yoreh De'a* 296:1).

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וְאִי יָלֵיף ״נְתִינָה״ ״נְתִינָה״ מִמַּתָּנוֹת, לֵילַף ״נְתִינָה״ ״נְתִינָה״ מִתְּרוּמָה, מַה תְּרוּמָה – בָּאָרֶץ אִין בְּחוּצָה לָאָרֶץ לָא, אַף רֵאשִׁית הַגֵּז – נַמִי בָּאָרֶץ אִין בְּחוּצָה לָאָרֶץ לָא, אַלְמָה תְּנַן: רֵאשִׁית הַגֵּז נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ?

The Gemara asks: **If** Rabbi Shimon **derives** a verbal analogy between **giving** mentioned with regard to the first sheared wool and **giving from the gifts** of the priesthood, let him also **derive** a verbal analogy between **giving** mentioned with regard to the first sheared wool and **giving from *teruma*.** The Torah states: "The first fruits of your grain, of your wine, and of your oil, and the first sheared wool of your flock shall you give him" (Deuteronomy 18:4). **Just as** with regard to ***teruma*,** produce grown **in Eretz** Yisrael, **yes,** it is obligated, whereas produce grown **outside of Eretz** Yisrael is **not** obligated, **so too** with regard to the mitzva of **the first sheared wool: In Eretz** Yisrael, **yes,** it applies, whereas **outside of Eretz** Yisrael it does **not** apply. **Why,** then, **did we learn** in the mishna that the mitzva of **the first sheared wool applies** both **in Eretz** Yisrael **and outside of Eretz** Yisrael?

אָלָּא, הַיְינוּ טַעֲמָא דְּרַבִּי שִׁמְעוֹן: דְּיָלֵיף ״צֹאן״ ״צֹאן״ מִמַּעֲשֵׂר, מַה מַּעֲשֵׂר – טְרֵפָה לָא, אַף רֵאשִׁית הַגֵּז – טְרֵפָה לָא.

The Gemara suggests: **Rather, this is** the **reason for** the ruling of **Rabbi Shimon, as he derives** a verbal analogy between the term "**flock** [***tzon***]" mentioned with regard to the first sheared wool and the term "**flock** [***tzon***]" **from** the animal **tithe.** With regard to the first sheared wool, the verse states: "And the first sheared wool of your flock [*tzonekha*], shall you give him" (Deuteronomy 18:4), and with regard to the animal tithe it states: "And all the tithe of the herd or the flock [*tzon*], whichever passes under the rod, the tenth shall be holy unto the Lord" (Leviticus 27:32). **Just as** with regard to the **tithe,** one is **not** obligated in the case of an animal that is **a *tereifa*, so too,** with regard to **the first sheared wool,** one is **not** obligated in the case of **a *tereifa*.**

וְהָתָם מְנָלַן? דִּכְתִיב ״כֹּל אֲשֶׁר יַעֲבֹר תַּחַת הַשָּׁבֶט״ – פְּרָט לִטְרֵפָה שֶׁאֵינָהּ עוֹבֶרֶת. וְלֵילַף ״צֹאן״ ״צֹאן״ מִבְּכוֹר, מַה בְּכוֹר – אֲפִילּוּ טְרֵפָה, אַף רֵאשִׁית הַגֵּז – אֲפִילּוּ טְרֵפָה!

The Gemara asks: **And there,** with regard to the animal tithe, **from where do we** derive that it does not apply to a *tereifa*? The Gemara answers **that it is written: "Whichever passes under the rod,"** which **excludes a *tereifa*, which is not** able to **pass** under the rod[N] due to its physical state. The Gemara raises a difficulty: **But let** Rabbi Shimon **derive** a verbal analogy between the term "**flock** [***tzon***]" mentioned in this context and the term "**flock** [***tzon***]" **from** the mitzva to consecrate the male **firstborn** animal. In that context, the Torah states: "All the firstborn males that are born of your herd and of your flock [*tzonekha*] you shall sanctify to the Lord your God" (Deuteronomy 15:19). **Just as** with regard to the consecration of the **firstborn even a *tereifa*** is consecrated, **so too,** with regard to **the first sheared wool** the obligation applies **even** in the case of **a *tereifa*.**

מִסְתַּבְּרָא, מִמַּעֲשֵׂר הֲוָה לֵיהּ לְמֵילַף, שֶׁכֵּן: זְכָרִים, טְמֵאִין,

The Gemara answers: It **is reasonable** that Rabbi Shimon **should derive** the *halakha* of the first sheared wool **from** the *halakha* of animal **tithe** rather than from the mitzva of the firstborn, **as** there are many *halakhot* that are common to both the first sheared wool and the animal tithe. The Gemara enumerates these *halakhot*: First, the first sheared wool and the animal tithe apply to both **male** and female animals, while the mitzva of the firstborn applies only to males. Furthermore, the first sheared wool and the animal tithe do not apply to **non-kosher** animals, whereas the sanctity of the firstborn also applies to donkeys, which are not kosher.

בְּמֻרּוּבִּין, מֻרְחָם,

In addition, these two mitzvot both apply only in a case **of numerous** animals: The first sheared wool applies only if one shears no fewer than five sheep, and one must own at least ten animals to set aside the animal tithe, whereas the sanctity of the firstborn applies to a single animal. Another common feature is that unlike the firstborn, the first sheared wool and the animal tithe are not sanctified **from the womb,** but only once they are designated.

אָדָם, פָּשׁוּט, לִפְנֵי הַדִּבּוּר.

Moreover, both the first sheared wool and the animal tithe apply only to animals, whereas the sanctity of the firstborn also applies to a firstborn son in the case of **a man.** Likewise, these two mitzvot apply not only to firstborn animals but also to **ordinary** non-firstborn animals, unlike the sanctity of the firstborn. Finally, the first sheared wool and the animal tithe did not apply **before the** divine **word** was issued at the giving of the Torah at Mount Sinai, whereas the sanctity of the firstborn already applied while the Jews were still in Egypt.

NOTES

Excludes a *tereifa*, which is not able to pass under the rod – פְּרָט לִטְרֵפָה שֶׁאֵינָהּ עוֹבֶרֶת: Rashi explains that the verse excludes an animal whose leg was severed above the leg joint and is therefore unable to walk or pass under the rod of the owner counting the animals. An animal whose leg was severed above the joint is one of the eighteen *tereifot*, and the Sages derive from this case that the owner is exempt from animal tithe with regard to all other *tereifot*. The commentaries point out: An animal whose leg was severed below the joint is also unable to pass under the rod, although it is not a *tereifa*. Therefore, it too should not be subject to the obligation of animal tithe. *Tosafot* suggest that perhaps this animal is in fact exempt from animal tithe. Nevertheless, they admit that this resolution is unlikely to be correct, as the Gemara states only that *tereifot* are exempt.

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אַדְּרַבָּה, מִבְּכוֹר הָוֶה לֵיהּ לְמֵילַף, שֶׁכֵּן: יָתוֹם, שֻׁלְּקָחוֹ,

The Gemara responds: **On the contrary,** Rabbi Shimon **should derive** the *halakha* of the first sheared wool **from** the sanctity of the **firstborn** rather than from the animal tithe, **as** there are many *halakhot* common to the first sheared wool and the firstborn animal. The Gemara again enumerates the *halakhot* in common: Both apply to **an orphan** animal, i.e., one whose mother died before its birth, whereas the animal tithe does not apply to an animal of this kind. Furthermore, both mitzvot are in effect in the case of an animal **that one purchased,** whereas the animal tithe does not apply to a purchased animal.

בְּשׁוּתָּפוּת, נְתָנוֹ, בִּפְנֵי, כֹּהֵן,

In addition, both the mitzva of the first sheared wool and the mitzva of the firstborn animal apply to an animal owned **in partnership,** unlike the animal tithe. Both apply as well to an animal that one **gave** another as a gift, whereas the animal tithe does not apply in the case of a gift. Likewise, both apply even when not **in the presence of**[N] the Temple, whereas the animal tithe is in effect only when the Temple is standing. Moreover, both the first sheared wool and the firstborn are given to **a priest,** whereas the animal tithe is eaten by the owner.

NOTES

In the presence of [*bifnei*] – בִּפְנֵי: Rashi and *Tosafot* disagree with regard to the correct version of the text. Rashi accepts the version of the Gemara as it appears here: Unlike the firstborn and the first sheared wool, the obligation of animal tithe applies only when the Temple is standing; but the Sages decreed that nowadays one should not tithe his animals, lest he mistakenly slaughter the tithe animal, utilize it for labor, or shear its wool, which is prohibited (*Bekhorot* 53a; see also Rashi here). *Tosafot* raise a difficulty with this explanation: The Gemara here lists these *halakhot* as considerations to prefer one verbal analogy over another, which is a matter of Torah law, but a decree of rabbinic origin cannot serve as a consideration when deriving a Torah law. *Tosafot* therefore claim that the text should read: *Lifnei*, i.e., before. This is an abbreviated form of the phrase: Sanctification of those walking before or after it. It refers to a *halakha* unique to the animal tithe, that if one lost count and mistakenly counted the ninth or eleventh animal in line as the tenth, that animal is also sanctified (see *Tiferet Ya'akov*).

Perek **XI**
Daf **137** Amud **a**

NOTES

Of consecration – בְּקִדּוּשָׁה: The commentaries suggest different *halakhot* to which this word might be referring. Rashi explains that the first sheared wool has no sanctity. Others, such as Rav Se'adya Gaon, maintain that it does become consecrated, and there is even a mitzva to consecrate it. According to this opinion, the Gemara here can be interpreted as follows: The sanctity of the firstborn applies only to the firstborn animal itself, not to the animal born after it. Likewise, the first sheared wool is itself sanctified, but no sanctity applies to the remainder of the fleece. By contrast, in some cases the sanctity of the animal tithe extends to the ninth or eleventh animal as well (*Arukh*, citing Rabbeinu Ḥananel). As stated earlier, *Tosafot* hold that the term: In the presence of [*lifnei*], refers to this *halakha* (see *Bekhorot* 60b).

בְּקִדּוּשָׁה, וּמִכִּירָה, וְהָנָךְ נְפִישִׁין!

The Gemara further states that the matter **of consecration**[N] applies neither to the mitzva of the first sheared wool nor to the firstborn animal. The firstborn is consecrated from the womb, while the first sheared wool is non-sacred. By contrast, the animal tithe is consecrated by the owner when passed under the rod. **And** finally, the option of **sale** by the priest applies to the first sheared wool and the firstborn animal after the priest receives them, whereas the animal tithe may not be sold. The Gemara adds: **And these** *halakhot* common to the first sheared wool and the firstborn are **more numerous** than the *halakhot* shared by the first sheared wool and the animal tithe. Therefore, Rabbi Shimon should derive the verbal analogy between the first sheared wool and the firstborn.

פָּשׁוּט מִפָּשׁוּט עֲדִיף לֵיהּ.

The Gemara answers: Even so, Rabbi Shimon **prefers** to derive the *halakhot* of the first sheared wool, which apply to **an ordinary** non-firstborn animal, **from** those of animal tithe, which also apply to **an ordinary** animal. Rabbi Shimon maintains that the shared factor that the first sheared wool and the animal tithe apply to all animals, not only the first to emerge from the womb, is decisive and overrides the other shared *halakhot*.

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״רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בִּרְחֵלִים״. מְנָא הָנֵי מִילֵי? אֲמַר רַב חִסְדָּא: אָתְיָא ״גִּיזָּה״ ״גִּיזָּה״, כְּתִיב הָכָא ״רֵאשִׁית גֵּז צֹאנְךָ תִּתֶּן לוֹ״ וּכְתִיב הָתָם ״וּמִגֵּז כְּבָשַׂי יִתְחַמָּם״, מַה לְּהַלָּן כְּבָשִׂים, אַף כָּאן כְּבָשִׂים.

§ The mishna states: **The first sheared wool is in effect only with regard to sheep.** The Gemara asks: **From where are these matters** derived?[N] **Rav Ḥisda said: It** is **derived** by means of a verbal analogy between **shearing** mentioned in this context and **shearing**[N] mentioned elsewhere. It is **written here: "The first sheared wool of your flock** [*tzonekha*]**, shall you give him"** (Deuteronomy 18:4), **and** it is **written there** that Job says concerning the needy: **"And he was warmed with the shearing of my sheep** [*kevasai*]**"** (Job 31:20). **Just as there,** the verse is referring specifically to the shearing of **sheep,** as the term *keves* is used only with regard to a sheep, **so too here,** with regard to the first sheared wool, the verse is referring to **sheep,** despite the fact that the term *tzon* can be interpreted as referring also to goats.[B]

וְנֵילַף ״גִּיזָּה״ ״גִּיזָּה״ מִבְּכוֹר, דְּתַנְיָא: ״לֹא תַעֲבֹד בִּבְכֹר שׁוֹרֶךָ וְלֹא תָגֹז בְּכוֹר צֹאנֶךָ״ אֵין לִי אֶלָּא שׁוֹר בַּעֲבוֹדָה וְצֹאן בְּגִיזָּה,

The Gemara objects: **But derive** instead a verbal analogy concerning **shearing** mentioned in this context **from shearing** mentioned in the case of the **firstborn** animal: Just as the prohibition against shearing the firstborn also applies to a firstborn ox, so too, the *halakhot* of the first sheared wool should also apply to oxen. It is prohibited to shear a firstborn ox, **as it is taught** in a *baraita*: The verse states: **"You shall do no work with the firstborn of your ox, and you shall not shear the firstborn of your flock"** (Deuteronomy 15:19). From a straightforward reading of the verse, **I have** derived **only** that a firstborn **ox** may not be used **for labor and** that a firstborn of an animal from the **flock** may not be used **for shearing.**

מִנַּיִן לִיתֵּן הָאָמוּר שֶׁל זֶה בָּזֶה וְאֶת הָאָמוּר שֶׁל זֶה בָּזֶה? תַּלְמוּד לוֹמַר: ״לֹא תַעֲבֹד״ ״וְלֹא תָגֹז״!

The *baraita* continues: **From where** is it derived **to apply** the prohibition **that was stated about that** animal **to this** one, **and** the prohibition **that was stated about this** animal **to that** one? **The verse states: "You shall do no work… and you shall not shear."**[N] The conjunction "and" indicates that the two parts of the verse apply to both animals.

אֲמַר קְרָא: ״תִּתֶּן לוֹ״ – וְלֹא לְשַׁקּוֹ.

The Gemara explains: One cannot say that oxen are subject to the mitzva of first sheared wool, as the **verse states** with regard to this mitzva: **"Shall you give him,"** which indicates that the shearing is given to the priest himself, i.e., for him to wear, **and not for** use as **his sack.** The shearing of oxen is fit for use only as sackcloth, not as clothing.

אֶלָּא מֵעַתָּה נוֹצָה שֶׁל עִזִּים לִיחַייֵב! בְּעֵינַן גִּיזָּה וְלֵיכָּא!

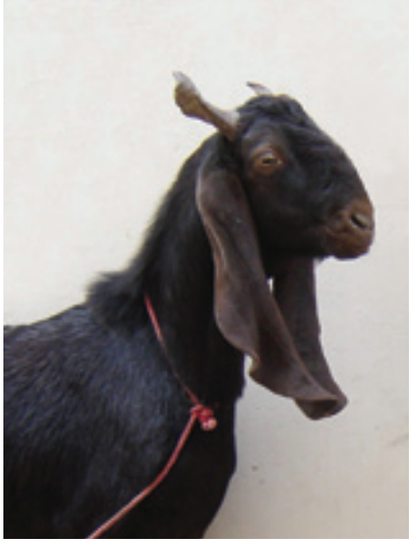
The Gemara objects: **If that is so, let** one be obligated in the mitzva of the first sheared wool in the case of **goats' hair,** as it too can be used for clothing. The Gemara explains: To be obligated in the first sheared wool **we require** an act of **shearing, and** goats' hair is plucked, **not** sheared.

BACKGROUND

Sheep…goats – כְּבָשִׂים...עִזִּים: There are a number of breeds of goats and sheep, which differ from each other in their characteristics. The descriptions in the Mishna and Talmud indicate that the breed of sheep under discussion is similar to the Awassi breed, *Ovis aries platyura*, a fat-tailed type of sheep common nowadays in Israel. The breed of goats is apparently similar to the Israeli goat breed *Capra mambrica*. There are several distinctive characteristics that differentiate between these types of sheep and goats: The sheep's fleece is white, soft, and curly, as opposed to the black, hard hair of the goats. The sheep has a long, thick, and fatty tail, whereas the goat's tail is short and upright. Furthermore, the lamb has short ears, and the goat kid has long, hanging ears. The male goat has a beard, while the ram does not. Finally, the female goat has horns, whereas the ewe has no horns. They can also be differentiated by the sound of their bleat.



Awassi lamb



Mamber goat

NOTES

From where are these matters derived – מְנָא הָנֵי מִילֵי: The verse states that the first sheared wool applies to the flock [*tzon*] (Deuteronomy 18:4). The term *tzon* can refer to goats as well as to sheep, as in the verse: "Go now to the flock [*tzon*], and fetch me from there two good goat kids" (Genesis 27:9). The Gemara therefore asks: From where does the mishna derive that the first sheared wool applies only to sheep (*Tosafot*)?

It is derived by means of a verbal analogy between shearing and shearing, etc. – אָתְיָא גִּיזָּה גִּיזָּה וכו׳: The commentaries are puzzled by this inference, as it is based on a verse in the book of Job, which is from the Writings, but the Gemara states elsewhere that Torah laws cannot be derived from the Prophets or the Writings (*Ḥagiga* 17b; *Bava Kamma* 2b). *Tosafot* explain that strictly speaking, the Gemara's inference here is not a verbal analogy. A verbal analogy is a hermeneutical principle by which new *halakhot* are derived, whereas in this case the parallel words merely serve to reveal the meaning of shearing in this context. The verse from Job indicates that this term refers specifically to sheep.

The verse states, you shall do no work…and you shall not shear – תַּלְמוּד לוֹמַר לֹא תַעֲבֹד וְלֹא תָגֹז: The conjunction "and" signifies that the second clause of the verse adds to the first clause (Rashi on *Bekhorot* 25a). Therefore, it is prohibited both to use the ox for labor as well as to shear it. In addition, one can infer from the juxtaposition of the flock to the ox that both prohibitions also apply to the flock. The later commentaries explain slightly differently: The conjunction "and" enables one to read the verse as though it were written: You shall not work and you shall not shear the firstborn of your ox or the firstborn of your flock. The verse did not state this explicitly, as the Torah expresses its prohibitions in accordance with standard behavior. People generally designate an ox for labor and a sheep for use of its fleece (*Torat Ḥayyim*).

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מַאן שָׁמְעַתְּ לֵיהּ הַאי סְבָרָא – רַבִּי יוֹסֵי, הָא מִדְּרַבִּי יוֹסֵי בִּמְיֻדֵּי דְּאוֹרְחֵיהּ!

The Gemara asks: **Who did you hear** who accepts **this reasoning** that only an act of shearing renders one obligated in the mitzva of the first sheared wool? This is the opinion of **Rabbi Yosei,** which the Gemara will soon cite. But **Rabbi Yosei concedes** that the obligation does exist without the act of shearing **in a case where the** usual **manner of** removing the wool is not by shearing. Since goats' hair is not commonly shorn, the obligation of the first sheared wool should apply.

אֶלָּא כִּדְאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: ״לַעֲמֹד לְשָׁרֵת״ – דָּבָר הָרָאוּי לְשֵׁירוּת. הָכָא נַמִּי: דָּבָר הָרָאוּי לְשֵׁירוּת.

Rather, the Gemara provides a different source for the mishna's statement. The reason that the mitzva of first sheared wool applies only to sheep is **as Rabbi Yehoshua ben Levi said:** It is stated in the verse following the source for the mitzva of first sheared wool: "For the Lord your God has chosen him out of all your tribes, **to stand to serve** in the name of the Lord, he and his sons forever" (Deuteronomy 18:5). The term "to serve" indicates that the first sheared wool that is given to the priest must consist of **a matter fit for** the Temple **service,** i.e., its size must be large enough for use for the priestly garments. **Here too,** the first sheared wool must be of **a matter fit for** Temple **service,**[H] i.e., sheep's wool, from which the priestly garments are woven.

אֶלָּא ״גִּיזָּה״ ״גִּיזָּה״ לְמַאי אַתָּא? לְכִדְתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל, דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: כִּבְשִׂים שֶׁצַּמְרָן קָשֶׁה – פְּטוּרִים מֵרֵאשִׁית הַגֵּז, שֶׁנֶּאֱמַר ״וּמִגֵּז כְּבָשַׂי יִתְחַמָּם״.

The Gemara asks: **But** if so, **for what** purpose does the verbal analogy between **shearing** mentioned with regard to the first sheared wool and **shearing** mentioned with regard to the flock **come?** The Gemara answers: It is necessary **for that which was taught** in **the school of Rabbi Yishmael. As the school of Rabbi Yishmael taught:** In the case of **sheep whose wool is hard,**[H] the owner is **exempt from the first sheared wool, as it is stated: "And he was warmed with the shearing of my sheep"** (Job 31:20). Since hard wool does not provide warmth, the mitzva of the first sheared wool does not apply to this wool.

תָּנֵי חֲדָא: גּוֹזֵז אֶת הָעִזִּים וְשׁוֹטֵף אֶת הָרְחֵלִים – פָּטוּר, וְתַנְיָא אִידָךְ: הַגּוֹזֵז אֶת הָעִזִּים – פָּטוּר, וְשׁוֹטֵף אֶת הָרְחֵלִים – חַיָּיב! לָא קַשְׁיָא, הָא – רַבָּנַן וְהָא – רַבִּי יוֹסֵי.

§ It **is taught** in **one** *baraita*: If one **shears goats, or washes sheep,** which causes some of their wool to be detached, he is **exempt** from the obligation of first sheared wool with regard to this wool. **And** it **is taught** in **another** *baraita*: **One who shears goats is exempt but** one who **washes the sheep** is **obligated** to separate the first sheared wool from the wool that was washed off. The Gemara resolves this apparent contradiction: It is **not difficult,** as **this** *baraita*, which requires one to separate the first sheared wool from the washed-off wool, is in accordance with the opinion of **the Rabbis, and that** *baraita*, which exempts the washed off wool, is in accordance with the opinion of **Rabbi Yosei.**

דְּתַנְיָא: ״לֶקֶט קְצִירְךָ״ – וְלֹא לֶקֶט קִישּׁוּף. רַבִּי יוֹסֵי אוֹמֵר: אֵין לֶקֶט אֶלָּא הַבָּא מֵחֲמַת קָצִיר.

The Gemara cites the source of this dispute. **As it is taught** in a *baraita* with regard to the verse: "And when you reap the harvest of your land, you shall not completely remove the corner of your field when you reap, and you shall not gather the gleaning of your harvest; you shall leave them for the poor" (Leviticus 23:22). The phrase **"the gleaning of your harvest"** indicates that only such a gleaning is included, **and not gleaning from picking.**[H] If one picks the crop by hand rather than harvesting it using agricultural tools, he is exempt from the mitzva to leave the gleanings for the poor. **Rabbi Yosei says: Gleanings** are **only** those **that come due to harvesting** using agricultural tools.

HALAKHA

A matter fit for Temple service – דָּבָר הָרָאוּי לְשֵׁירוּת: The mitzva of the first sheared wool applies only to male and female sheep, as derived by Rabbi Yehoshua ben Levi (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 333:2).

Sheep whose wool is hard, etc. – כִּבְשִׂים שֶׁצַּמְרָן קָשֶׁה וכו': If a sheep's wool is hard and unfit to be worn, the obligation of the first sheared wool does not apply to it, as taught by the school of Rabbi Yishmael (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:4; *Shulḥan Arukh*, *Yoreh De'a* 333:2).

The gleaning of your harvest and not gleaning from picking – לֶקֶט קְצִירְךָ וְלֹא לֶקֶט קִישּׁוּף: If one harvests without a scythe, whatever falls from his hand is not classified as gleanings. If one picks by hand those crops that are usually picked by hand, whatever falls from his hands is considered gleanings, as stated by Rabbi Yosei (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 4:2).

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רַבִּי יוֹסֵי הַיְינוּ תַּנָּא קַמָּא! כּוּלָּהּ רַבִּי יוֹסֵי הִיא, וְהָכִי קָתָנֵי: שֶׁרַבִּי יוֹסֵי אוֹמֵר אֵין לָקֶט אֶלָּא הַבָּא מֵחֲמַת קָצִיר.

The Gemara expresses puzzlement at this *baraita*: The opinion of **Rabbi Yosei is** identical to the opinion of **the first *tanna*.** The Gemara explains: The **entire** *baraita* **is** in accordance with the opinion of **Rabbi Yosei, and this** is what the *baraita* **is teaching:** The phrase "the gleaning of your harvest" teaches that crops picked by hand are exempt from the mitzva, **as Rabbi Yosei says: Gleanings** are **only** those **that come due to harvesting.** The Gemara infers that just as Rabbi Yosei interprets the term "harvest" as exempting crops that were picked by hand, so too he derives from the term "shearing" that the mitzva of the first sheared wool does not apply to fleece that was washed off. The Rabbis, who disagree with Rabbi Yosei with regard to the gleanings, likewise disagree with regard to the first sheared wool.

אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרָבָא לְרַב אַשִׁי: מוֹדֶה רַבִּי יוֹסֵי בִּמְיֻדֵּי דְּאוֹרְחֵיהּ. דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: ״קָצִיר״ – אֵין לִי אֶלָּא קָצִיר, עוֹקֵר מִנַּיִן?

Rav Aḥa, son of Rava, said to Rav Ashi: Rabbi Yosei concedes that the mitzva of gleanings applies **to a case where the** usual **manner** of harvesting is by picking, **as it is taught** in a *baraita* with regard to the verse cited above that **Rabbi Yosei says:** From the term **"harvest" I have** derived **only** the obligation of gleanings with regard to **harvest. From where** do I derive the obligation of gleanings with regard to one who **uproots** the crop?

תַּלְמוּד לוֹמַר: ״לִקְצֹר״, תּוֹלֵשׁ מִנַּיִן? תַּלְמוּד לוֹמַר: ״בְּקֻצְרֶךָ״.

The verse states: "And when you reap the harvest of your land, you shall not completely remove the corner of your field by reaping, and you shall not gather the gleaning of your harvest" (Leviticus 19:9). The superfluous term **"by reaping"** includes uprooting the crop. **From where** is it derived that the obligation extends to one who **picked** the crop by hand? **The verse states: "When you reap"** (Leviticus 23:22), which is also superfluous. It is derived from here that the mitzva applies to all ways of gathering the crop, provided they are the usual manner of harvesting that particular crop.

אֲמַר לֵיהּ רָבִינָא לְרַב אַשִׁי, אַף אֲנַן נַמִּי תְּנֵינָא: מַלְבְּנוֹת בְּצָלִים שֶׁבֵּין הַיָּרָק – רַבִּי יוֹסֵי אוֹמֵר: פֵּאָה מִכָּל אֶחָד וְאֶחָד, וַחֲכָמִים אוֹמְרִים: מֵאַחַת עַל הַכֹּל.

Ravina said to Ravi Ashi: We learn as well in a mishna (*Pe'a* 3:4) that discusses the mitzva to leave produce in the corner of the field for the poor [*pe'a*]: If one has **garden beds of onions**[N] **that are among the vegetables,**[HN] **Rabbi Yosei says** that one leaves separate ***pe'a* from each and every one** of the beds. **And the Rabbis say** that one leaves *pe'a* **from one** garden bed **for all** of them. This indicates that Rabbi Yosei concedes that one is obligated to leave *pe'a* and gleanings from onions, despite the fact that they are picked by hand rather than harvested with tools. The reason is that this is the usual manner of gathering onions.

HALAKHA

Garden beds of onions that are among the vegetables, etc. – מַלְבְּנוֹת בְּצָלִים שֶׁבֵּין הַיָּרָק וכו׳: With regard to garden beds of onions that are situated among vegetables, one leaves *pe'a* from one garden bed for all of the others, despite the fact that the vegetables divide the onions into individual garden beds. This ruling is in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 3:10).

NOTES

Garden beds of onions, etc. – מַלְבְּנוֹת בְּצָלִים וכו׳: The Jerusalem Talmud (*Pe'a* 4:1) explains Rabbi Yosei's ruling: Since people generally do not plant onions among vegetables, this is not considered a single bed of onions. Some commentaries explain that because the mitzva of *pe'a* does not apply to vegetables (see following note), according to Rabbi Yosei their presence therefore causes the onions, to which the obligation of *pe'a* does apply, to be divided into separate garden beds. The Rabbis reason in the opposite manner: Because the mitzva of *pe'a* does not apply to the vegetables, their presence is ignored with regard to *pe'a*, and therefore the onion beds are considered like a single bed (*Arukh*). This latter explanation is in accordance with the Jerusalem Talmud's ruling that only a species to which the obligation of *pe'a* applies causes produce to be separated into different fields with regard to the obligation of *pe'a* (see also *Melekhet Shlomo*).

That are among the vegetables – שֶׁבֵּין הַיָּרָק: The obligation of *pe'a* does not apply to vegetables, in accordance with the ruling of a mishna (*Pe'a* 1:4) that the mitzva of *pe'a* applies only when five conditions are fulfilled: First, the produce must be fit for human consumption, which excludes certain types of grass that are eaten only occasionally. Second, it must be protected, which excludes ownerless crops. Third, it must grow from the ground, which excludes mushrooms, which draw their sustenance from the air and not from the ground. Fourth, the produce must be gathered at one time, which excludes types of fruit that are gathered throughout an extended period, e.g., figs, which do not ripen all together. Finally, it must be possible to store the produce for a prolonged period. This excludes vegetables, which rot quickly and therefore cannot be stored for protracted lengths of time (*Pesaḥim* 56b). Since onions and garlic can be stored for lengthy periods, the obligation of *pe'a* does apply to them (Rashi).

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"וְכַמָּה הוּא מְרוּבֶּה". בְּשִׁלְמָא לְבֵית שַׁמַּאי – תְּרֵתֵי נַמֵּי אִיקְרוּ "צֹאן", אֶלָּא לְבֵית הִלֵּל מַאי טַעְמָא?

§ The mishna states: **And how many is numerous?** Beit Shammai say: It is at least two sheep, and Beit Hillel say: It is at least five sheep. The Gemara objects: **Granted,** according **to** the opinion of **Beit Shammai, two** sheep are **also called *tzon*,** as in the verse cited by Beit Shammai: "That a man shall rear a young cow and two sheep [*tzon*]" (Isaiah 7:21). Since the mitzva of the first sheared wool is written with regard to *tzon*, it is logical that it applies to two sheep. **But what is the reasoning of Beit Hillel,** who hold that the mitzva applies only to five sheep, due to the verse: "And five sheep [*tzon*] made" (1 Samuel 25:18)? Why do they not apply the obligation using the broader criterion of two sheep, as the verse quoted by Beit Shammai clearly indicates that two sheep are also called *tzon*?

אָמַר רַב כָּהֲנָא: אֲמַר קְרָא "עֲשׂוּיוֹת" – שְׁתֵּי מִצְוֹת, רִאשִׁית הַגֵּז וּמַתָּנוֹת. אֵימָא: בְּכוֹרָה וּמַתָּנוֹת!

Rav Kahana said: The **verse states:** "Five sheep **made** [***asuyot***]," in plural. The plural form indicates **that two mitzvot** have been **made,** i.e., performed, with them. The two mitzvot are **the first sheared wool and** the **gifts** of the priesthood, a mitzva that applies to a single animal. If the two mitzvot have been performed only when there are five sheep, evidently the mitzva of the first sheared wool applies only to five sheep. The Gemara asks: Why can't one **say** that the two mitzvot are the **firstborn** animal **and** the **gifts** of the priesthood?

בְּכוֹרָה, חֲדָא מִי לָא מִיחַיְּיבָא? וּלְטַעֲמִיךְ, מַתָּנוֹת – חֲדָא מִי לָא מִיחַיְּיבָא? אֶלָּא אָמַר רַב אַשִׁי: "עֲשׂוּיוֹת" – שֶׁמְּעַשּׂוֹת אֶת בַּעֲלֵיהֶן וְאוֹמְרוֹת לוֹ: קוּם עֲשֵׂה מִצְוָה.

The Gemara answers: The other mitzva cannot be the firstborn animal, as with regard to the **firstborn, isn't one** animal **obligated,** i.e., doesn't one animal render its owner obligated? Yet the verse states that one performs the two mitzvot only with five sheep. The Gemara asks: **And according to your reasoning,** with regard to the **gifts** of the priesthood, **isn't one** animal **obligated,**[N] i.e., doesn't one animal render its owner obligated? **Rather, Rav Ashi says:** The term "**made**" should be understood as meaning **that** five sheep **make their owner** perform the first sheared wool **and** figuratively **say to him: Stand** and **fulfill a mitzva,** whereas less than five sheep do not obligate their owner in the mitzva of first sheared wool.

תַּנְיָא דְּבֵי רַבִּי יִשְׁמָעֵאל בְּרַבִּי יוֹסֵי אוֹמֵר מִשּׁוּם אָבִיו: אַרְבַּע, שֶׁנֶּאֱמַר "וְאַרְבַּע צֹאן תַּחַת הַשֶּׂה".

It **was taught** in a *baraita* **of the school of Rabbi Yishmael, son of Rabbi Yosei,** that he **says in the name of his father:** The obligation of the first sheared wool applies to one who owns **four** sheep, since a verse calls four sheep *tzon*, **as it is stated:** "If a man steals an ox or a sheep, and kills it or sells it, he shall pay five oxen for the ox, **and four sheep** [*tzon*] **for a sheep**" (Exodus 21:37).

תַּנְיָא, אָמַר רַבִּי: אִלְמָלֵא דִּבְרֵיהֶן דִּבְרֵי תוֹרָה וְדִבְרֵי בְּרִיבִּי קַבָּלָה – אֲנַן דִּבְרֵי בְּרִיבִּי שׁוֹמְעִין. וְכָל שֶׁכֵּן שֶׁדִּבְרֵיהֶם דִּבְרֵי קַבָּלָה, וְדִבְרֵי בְּרִיבִּי דִּבְרֵי תוֹרָה.

It **is taught** in a *baraita* that **Rabbi** Yehuda HaNasi **says: Had their statements,** i.e., the opinions of Beit Shammai and Beit Hillel, been based on **statements of the Torah, and the statement of the Distinguished One** [***Beribbi***],[L] Rabbi Yosei, based on the texts of the **tradition** [***kabbala***],[N] the Prophets and Writings, even so **we** would **listen** to **the statement of the Distinguished One,** Rabbi Yosei. **All the more so** now **that their statements** are based on **texts of the tradition,** as both Beit Shammai and Beit Hillel derived their rulings from verses from the Prophets, while **the statement of the Distinguished One,** Rabbi Yosei, is based on **the statements of the Torah.**

וְהָאָמַר מָר: אֵין הַכְרָעָה שְׁלִישִׁית מַכְרַעַת!

The Gemara objects: **But didn't the Master say: The decision** of **a third** opinion that compromises between the first two opinions is **not** considered **decisive** if it is based on considerations that were not mentioned by the other two opinions. Although Rabbi Yosei's opinion is a compromise between the opinions of Beit Shammai and Beit Hillel, it is based on a different source.

NOTES

According to your reasoning…isn't one animal obligated – לְטַעֲמִיךְ…חֲדָא מִי לָא מִיחַיְּיבָא: The later commentaries are puzzled by this question: If the verse is referring to the first sheared wool and the gifts of the priesthood, as initially suggested according to the opinion of Beit Hillel, one can understand why the verse specifies five sheep, because if there are less than five then one of the mitzvot, the first sheared wool, does not apply. But according to the suggestion that the two mitzvot are the firstborn and the gifts of the priesthood, why does the verse specify five sheep? After all, these two mitzvot already apply to a single sheep. Clearly, the first interpretation is preferable. The commentaries therefore explain the question as follows: One cannot say that the term "made [*asuyot*]" means that two mitzvot were performed with them, as one of the mitzvot was obligatory with even less than five sheep. Therefore, the Gemara suggests a different interpretation of the verse.

Statements of the Torah…texts of the tradition [*kabbala*] – דִּבְרֵי תוֹרָה…קַבָּלָה: Rashi explains that the term Torah refers to the five books of Moses. The word Torah means teaching, and the five books are called by this name because they are a divine teaching for all generations. The Prophets and Writings are called *kabbala*, which literally means: Received, because they are prophecies received for the requirements of the time and the generation (Rashi). Elsewhere Rashi writes that the term *kabbala* refers specifically to commands of a prophet to the people, but the narrative portions of the books of the Prophets are not referred to as *kabbala* (*Ta'anit* 15a).

LANGUAGE

Distinguished One [*Beribbi*] – בְּרִיבִּי: The appellation *Beribbi* originated as an abbreviated form of the term *ben rabbi*, son of a rabbi. Already during the tannaitic period, the term was used as an honorific title appended to the name of an important Sage, acquiring the meaning of: Son of great men, or: Son of Sages. In this sense, the term was used irrespective of whether or not the Sage in question was actually the son of another great Sage. Sometimes the term *Beribbi* was used in reference to a great Sage without mentioning his name, as in the Gemara here.

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אָמַר רַבִּי יוֹחָנָן: מִפִּי שְׁמוּעָה אָמָרָה, מִפִּי חַגַּי זְכַרְיָה וּמַלְאָכִי.

Rabbi Yoḥanan says in response: Rabbi Yehuda HaNasi accepted Rabbi Yosei's opinion not because it was a compromise, but rather because **he said it according to a tradition** he had **from** the prophets **Haggai, Zechariah, and Malachi.**[N]

״רַבִּי דּוֹסָא בֶּן הַרְכִּינָס אוֹמֵר״ וכו׳. וְכַמָּה ״כָּל שֶׁהֵן״? אָמַר רַב: מָנֶה וּפְרָס, וּבִלְבַד שֶׁיִּהוּ מְחוּמָּשׁוֹת. וּשְׁמוּאֵל אָמַר: שִׁשִּׁים, וְנוֹתֵן סֶלַע אַחַת לַכֹּהֵן.

§ The mishna states: **Rabbi Dosa ben Harkinas says**[N] that the mitzva of the first sheared wool applies to five sheep, each of whose shearing weighs one hundred and fifty dinars, whereas the Rabbis say: Five sheep, each of whose shearing is any amount. The Gemara asks: **And how much** is signified by the phrase: **Any amount? Rav says:** It is a total weight of **one hundred dinars** [*maneh*] **and half** of one hundred dinars [*peras*],[N] **provided that they are divided** equally **between the five** sheep.[HN] **And Shmuel says:** It is a total weight of **sixty** *sela*, of which he **gives** the weight of **one *sela* to the priest.**

רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: שֵׁשׁ, לַכֹּהֵן – חֲמִשָּׁה, וְאֶחָד – לוֹ. עוּלָּא אָמַר רַבִּי אֶלְעָזָר: ״כָּל שֶׁהֵן״ שָׁנִינוּ.

Rabba bar bar Ḥana says that **Rabbi Yoḥanan says:** It is a total weight of **six** *sela*, of which he gives **to the priest** the weight of **five** *sela*, **and** he leaves **one** *sela* **for himself. Ulla** says that **Rabbi Elazar says: We learned** in the mishna that according to the Rabbis the obligation of the first sheared wool applies to **any amount,** even if the total weight is only one *sela*.

תְּנַן: וְכַמָּה נוֹתֵן לוֹ – מִשְׁקַל חָמֵשׁ סְלָעִים בִּיהוּדָה, שֶׁהֵן עֶשֶׂר סְלָעִים בַּגָּלִיל. בִּשְׁלָמָא לְרַב וְרַבִּי יוֹחָנָן – נִיחָא, אֶלָּא לִשְׁמוּאֵל וְרַבִּי אֶלְעָזָר קַשְׁיָא!

We learned in the mishna (135a): **And how much does one give to** the priest? One gives him sheared wool of the **weight** of **five *sela* in Judea, which are** the equivalent of **ten *sela* in the Galilee. Granted,** according **to** the opinions of **Rav and Rabbi Yoḥanan,** the mishna **works out well,** as their statements do not contradict the mishna. Rav does not discuss the amount one is required to give the priest, and Rabbi Yoḥanan states that one gives the priest five *sela*. **But** according **to Shmuel and Rabbi Elazar,** the mishna is **difficult,** as Shmuel states that one is required to give one *sela*, while Rabbi Elazar states that the obligation of the first sheared wool applies even for a weight of less than five *sela*.

וְלִיטַעֲמֵיךְ, וּלְרַב מִי נִיחָא? וְהָא רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַיְיהוּ: רֵאשִׁית הַגֵּז בְּשִׁשִּׁים!

The Gemara responds: **And according to your reasoning, does it work out well** according **to** the opinion of **Rav? But Rav and Shmuel both say** that **the first sheared wool** given to the priest is one part **in sixty.**[N] Rav holds that the weight of one hundred and fifty dinars renders one obligated in the first sheared wool, and one-sixtieth of this weight is less than one *sela*. Therefore, Rav's opinion is also not in accordance with the mishna.

HALAKHA

One hundred dinars and half of one hundred dinars provided that they are divided equally between the five sheep – מָנֶה וּפְרָס וּבִלְבַד שֶׁיִּהוּ מְחוּמָּשׁוֹת: How many sheep must one own in order to be obligated in the first sheared wool? One must own no less than five sheep, as stated by Beit Hillel, Rabbi Dosa ben Harkinas, and the Rabbis. The total weight of their shearing must be no less than sixty *sela*, and the shearing of each sheep at least twelve *sela*, in accordance with the opinion of Rav and Shmuel. If the shearing from one sheep is less than twelve *sela* one is exempt from the first sheared wool, even though the total weight of the shearing is sixty *sela* or more, as stated by Rav. Although Shmuel disagrees, the *halakha* is in accordance with Rav with regard to ritual matters (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:1; *Shulḥan Arukh*, *Yoreh De'a* 333:9).

NOTES

From the prophets Haggai, Zechariah, and Malachi – מִפִּי חַגַּי זְכַרְיָה וּמַלְאָכִי: Haggai, Zechariah, and Malachi, who lived at the beginning of the Second Temple period, were the last prophets. They were also members of the Great Assembly, which instituted ordinances to ensure the continued observance of the Torah (see Rashi on *Sukka* 44a).

Rabbi Dosa ben Harkinas says, etc. – רַבִּי דּוֹסָא בֶּן הַרְכִּינָס אוֹמֵר וכו׳: Some early commentaries explain that according to Rabbi Dosa ben Harkinas, the mitzva of the first sheared wool applies to five sheep whose shearing has a total weight of twice one hundred and fifty dinars. Rabbi Dosa does not say simply: Three hundred dinars, because the sheep are sheared twice a year, and the phrase: Twice one hundred and fifty dinars, teaches that the two portions of shearing combine to form the minimum amount. Furthermore, even when one shears the sheep several times, each time by a small amount, if by the end of the year the shearing accumulates to the required amount, one is obligated to separate the first sheared wool from it all (Ramban, based on *Tosefta*).

Rav says a total weight of one hundred dinars and half of one hundred dinars – אָמַר רַב מָנֶה וּפְרָס: Although the Rabbis use the term: Any amount, this is an exaggeration (Rashi) that serves to emphasize that in comparison to the amount mentioned by Rabbi Dosa, the amount stated by the Rabbis is relatively small: Rabbi Dosa holds that one is obligated only if the shearing of each sheep weighs one hundred and fifty dinars, whereas the Rabbis maintain that the obligation applies if the total weight of the fleece is one hundred and fifty dinars. Nevertheless, as explained in the previous note, the Ramban holds that there is no significant difference between the opinions of Rabbi Dosa and the Rabbis, as Rabbi Dosa holds that the first sheared wool applies to fleece weighing three hundred dinars in total, and Shmuel states that the Rabbis apply the mitzva to sixty *sela*, which are 240 dinars.

Provided that they are divided equally between the five sheep – וּבִלְבַד שֶׁיִּהוּ מְחוּמָּשׁוֹת: According to some commentaries, Shmuel disagrees with Rav only with regard to the amount of shearing that renders one obligated in the first sheared wool, but he concedes that the requisite amount must be divided equally between the five sheep (*Kesef Mishne*). Others maintain that Shmuel disagrees on this point as well, since he holds that there is no need for the total weight of sixty *sela* to be divided equally between the sheep (*Beit Yosef*; Gra; *Lev Arye*).

The first sheared wool given to the priest is one part in sixty – רֵאשִׁית הַגֵּז בְּשִׁשִּׁים: Some commentaries hold that by Torah law there is no fixed amount that one must give as the first sheared wool, as the Torah states simply: "The first sheared wool" (Deuteronomy 18:4), without indicating a specific amount. The measure of one-sixtieth stated by Rav and Shmuel applies by rabbinic law (*Minḥat Ḥinnukh*). Similarly, the mishna (*Pe'a* 1:1) states that by Torah law the mitzva of *pe'a* has no measure, and the Sages instituted a measure of one-sixtieth, again as stated by Rav and Shmuel. Other commentaries raise a difficulty with this opinion: If by Torah law the first sheared wool has no measure, why is it not included in the list of mitzvot that have no measure (*Pe'a* 1:1)? They therefore claim that with regard to the first sheared wool, the measure of one-sixtieth applies by Torah law, although the source from which the Sages derived this *halakha* is unknown (*Yosef Da'at*). Similarly, with regard to the dispute mentioned earlier between Rabbi Dosa and the Rabbis as to the amount of shearing that renders one obligated in the mitzva, *Tosafot* state that the source of each opinion is unknown (*Tosafot* on *Bava Batra* 150a).

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LANGUAGE

Pile [*keri*] – כְּרִי: The word *keri* denotes the heap into which the grain is piled after harvest, as does the Aramaic *karya*. After it is stacked, the pile of grain is smoothed and evened out with a special tool, at which point the owner is obligated to separate *teruma* and tithes from the grain.

NOTES

These are matters that have no measure – אֵלּוּ דְּבָרִים שֶׁאֵין לָהֶן שִׁיעוּר: The term: These, indicates that only these mitzvot have no measure, whereas other mitzvot do have a requisite measure. The Jerusalem Talmud at the beginning of tractate *Pe'a* discusses the reason why the mishna does not list other mitzvot that have no measure, e.g., *teruma*, in accordance with the statement of Shmuel here that by Torah law it is sufficient to separate one grain of wheat as *teruma*. It explains that although *teruma* has no minimum measure, it has a maximum measure, as one may not declare that his entire granary is *teruma*, as noted earlier (136b). The commentaries add other mitzvot that have no measure, and they explain why those mitzvot are not discussed by the Jerusalem Talmud: The mitzva to honor one's parents has no measure, but it is included in the general mitzva of acts of loving-kindness, which is listed in the mishna (Rabbi Shimshon of Saens). The peace offering of rejoicing is not listed, because it is consumed by its owner. The prohibition against rounding the hair on the sides of one's head is not listed, because although one must leave hair on the side of the head, one may leave any amount of hair (*Melekhet Shlomo*). The sin offering is not listed, because it is undesirable to incur the obligation to sacrifice a sin offering. The mitzva to relate the story of the exodus on the first night of Passover is not listed, because one cannot extend the mitzva beyond the time to recite the morning *Shema*. Prayer is not listed, despite the fact that the Rambam holds that this mitzva applies by Torah law, because prayer also has a measure: One must leave time to study Torah and fulfill other mitzvot (*Mishna Rishona*).

BACKGROUND

Burnt offering of appearance – רְאָיוֹן: This refers to the burnt offering that one is obligated to sacrifice on each of the three pilgrimage Festivals. It is prohibited to come to the Temple on these Festivals empty-handed (Deuteronomy 16:16–17). In addition to the burnt offering, one is also required to sacrifice a peace offering, known as the Festival peace offering, part of which is consumed by the owner.

הָא אִיתְמַר עֲלָהּ דְּהַהִיא, רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַיְיהוּ: בְּיִשְׂרָאֵל שֶׁיֵּשׁ לוֹ גִּיזִּין הַרְבֵּה עָסְקִינַן, וּמְבַקֵּשׁ לִיתְּנָן לַכֹּהֵן, וְאָמְרִינַן לֵיהּ: כָּל חַד וְחַד לָא תִּבְצַר לֵיהּ מֵחֲמִשָּׁה סְלָעִים.

The Gemara answers: **It was stated with regard to that** mishna that **Rav and Shmuel both say:** The five *sela* stated in the mishna is not referring to the total amount given from the sheared wool. Rather, in the mishna **we are dealing with a Jew who has a large** amount of **shearing, and he wishes to give them to the priest,** i.e., to several priests. **And we say to him:** With regard to **each and every one** of the priests, do **not** give **him less than five *sela*.** But if one has only a small amount of shearing, he gives the priest one-sixtieth of the shearing, even if it is less than five *sela*.

גּוּפָא, רַב וּשְׁמוּאֵל דְּאָמְרִי תַּרְוַיְיהוּ: רֵאשִׁית הַגֵּז – בְּשִׁשִּׁים, תְּרוּמָה – בְּשִׁשִּׁים, פֵּאָה – בְּשִׁשִּׁים.

§ The Gemara mentioned a ruling of Rav and Shmuel with regard to the amount that one is required to give as the first sheared wool. The Gemara discusses **the** matter **itself. Rav and Shmuel both say: The first sheared wool** given to the priest is one part **of sixty.** Likewise, the amount one is required to separate as ***teruma*** is one part **of sixty,** and the amount one must leave in his field as ***pe'a*** is one part **of sixty.**

תְּרוּמָה בְּשִׁשִּׁים? וְהָא אֲנַן תְּנַן: תְּרוּמָה, עַיִן יָפָה – אֶחָד מֵאַרְבָּעִים! דְּאוֹרַיְיתָא בְּשִׁשִּׁים, דְּרַבָּנַן בְּאַרְבָּעִים.

The Gemara asks: Is the amount one is required to separate as ***teruma*** one part **of sixty? But didn't we learn** in a mishna (*Terumot* 4:3): With regard to the measure one should separate as ***teruma,*** if one is of **generous disposition** he gives **one-fortieth.**[H] The Gemara answers: **By Torah law,** it is sufficient to give one part **of sixty; by rabbinic law** the requisite amount is one part **of forty.**

דְּאוֹרַיְיתָא בְּשִׁשִּׁים? וְהָאָמַר שְׁמוּאֵל: חִטָּה אַחַת פּוֹטֶרֶת אֶת הַכְּרִי! דְּאוֹרַיְיתָא – כִּדְשְׁמוּאֵל. דְּרַבָּנַן בִּדְאוֹרַיְיתָא – אַחַת מֵאַרְבָּעִים, דְּרַבָּנַן בִּדְרַבָּנַן – בְּשִׁשִּׁים.

The Gemara asks: Is the measure of *teruma* **by Torah law** one part **of sixty? But doesn't Shmuel say:** By Torah law, even **one** grain of **wheat** given as *teruma* **exempts the** entire **pile** [***keri***][L] of grain?[H] The Gemara answers: **By Torah law** the measure is **as** stated **by Shmuel,** that even one grain of wheat is sufficient. **By rabbinic law, with regard to** produce that is obligated in *teruma* **by Torah law** the measure is **one-fortieth,** whereas **by rabbinic law, with regard to** produce obligated in *teruma* **by rabbinic law** the measure is one part **of sixty.**

פֵּאָה בְּשִׁשִּׁים? וְהָתְנַן: אֵלּוּ דְּבָרִים שֶׁאֵין לָהֶן שִׁיעוּר: הַפֵּאָה, וְהַבִּכּוּרִים, וְהָרְאָיוֹן! דְּאוֹרַיְיתָא – אֵין לָהּ שִׁיעוּר, דְּרַבָּנַן – בְּשִׁשִּׁים.

Rav and Shmuel said above that the amount one is required to leave in his field as ***pe'a*** is one part out **of sixty.** The Gemara raises a difficulty: **But didn't we learn** in a mishna (*Pe'a* 1:1): **These are the matters,** i.e., mitzvot, **that have no measure:**[N] ***Pe'a,* and the first fruits,**[H] **and the** burnt offering of **appearance**[BH] sacrificed on the pilgrimage Festivals. The Gemara answers: **By Torah law,** *pe'a* **has no** fixed **measure; by rabbinic law** the measure is one part **of sixty.**

HALAKHA

With regard to *teruma* if one is of generous disposition he gives one-fortieth – תְּרוּמָה עַיִן יָפָה אֶחָד מֵאַרְבָּעִים: The Sages set fixed measures for the amount that one should separate as *teruma*: One who is generous gives one-fortieth, one of average disposition gives one-fiftieth, and one who is miserly gives no less than one-sixtieth, as stated in the mishna in tractate *Terumot* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 3:2).

One grain of wheat given as *teruma* exempts the entire pile – חִטָּה אַחַת פּוֹטֶרֶת אֶת הַכְּרִי: By Torah law there is no minimal amount that must be separated as *teruma*, as the verse states: "The first fruits of your grain" (Deuteronomy 18:4), which can be any amount, even a single grain of wheat from an entire pile of grain, as stated by Shmuel. Nevertheless, one should separate the measure set by the Sages *ab initio*. Today, when everyone is considered in a state of ritual impurity and therefore *teruma* is burned rather than consumed, one should separate a single grain *ab initio* (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 3:1; see also *Shulḥan Arukh*, *Yoreh De'a* 331:19).

First fruits – בִּכּוּרִים: The first fruits have no measure by Torah law. By rabbinic law, one must separate one-sixtieth of his produce as first fruits. If one wishes to consecrate the produce of his entire field as first fruits he may do so, as stated in the mishna in tractate *Pe'a* 1:1 (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 2:17).

Burnt offering of appearance – רְאָיוֹן: The burnt offering of appearance and the Festival peace offering have no measure by Torah law, in accordance with the verse: "Every man shall give as he is able" (Deuteronomy 16:17). The Sages instituted an ordinance that the burnt offering of appearance should be worth no less than one silver *ma'a*, and the Festival peace offering at least two silver *ma'a*. Although this is the minimum measure, it is a mitzva to bring offerings as befitting one's means (Rambam *Sefer Korbanot*, *Hilkhot Ḥagiga* 1:2).

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מַאי קָא מַשְׁמַע לָן? תָּנֵינָא: אֵין פּוֹחֲתִין לְפֵאָה מִשִּׁשִּׁים, אַף עַל פִּי שֶׁאָמְרוּ הַפֵּאָה אֵין לָהּ שִׁיעוּר! הָתָם – בָּאָרֶץ, הָכָא – בְּחוּצָה לָאָרֶץ.

The Gemara asks: **What is** the statement of Rav and Shmuel **teaching us? We** already **learn** in the subsequent mishna (*Pe'a* 1:2): One should **not give for *pe'a* less than** one part **of sixty, even though they said** that **the** mitzva of ***pe'a* has no measure.**[H] The Gemara answers: The mishna **there** is referring to the obligation to leave *pe'a* **in Eretz** Yisrael, whereas **here,** the statement of Rav and Shmuel is referring to the obligation of *pe'a* **outside of Eretz** Yisrael.[N]

כִּי סְלֵיק אִיסִי בַּר הִינִי אַשְׁכְּחֵיהּ (לְרַבִּי) [לְרַבִּי] יוֹחָנָן דְּקָא מַתְנֵי לֵיהּ לִבְרֵיהּ "רְחֵלִים". אֲמַר לֵיהּ: אַתְנֵייהּ "רְחֵלוֹת"! אֲמַר לֵיהּ: כְּדִכְתִיב "רְחֵלִים מָאתַיִם". אֲמַר לֵיהּ: לְשׁוֹן תּוֹרָה לְעַצְמָהּ, לְשׁוֹן חֲכָמִים לְעַצְמָן.

§ **When Isi bar Hini ascended** from Babylonia to Eretz Yisrael, **Rabbi Yoḥanan found him teaching** the mishna **to his son.** Isi taught that the obligation of the first sheared wool applies only in the case of **sheep** [***reḥelim***], the masculine plural form of *raḥel*, meaning a sheep. Rabbi Yoḥanan **said to** Isi: You should **teach him** using the term ***reḥelot,*** the feminine plural form. Isi **said to him** in reply: I teach the mishna in accordance with **that which is written: "Two hundred *reḥelim*"** (Genesis 32:15). Rabbi Yoḥanan **said to** Isi: The **language** of the **Torah is distinct** and the **language** of the **Sages is distinct,** i.e., these are like two separate languages, and the Sages do not always use the same forms that appear in the Bible. In this case, they use *reḥelot* rather than *reḥelim*.

אֲמַר לֵיהּ: מַאן רֵישׁ סִדְרָא בְּבָבֶל? אֲמַר לֵיהּ: אַבָּא אֲרִיכָא. אֲמַר לֵיהּ: "אַבָּא אֲרִיכָא" קְרֵית לֵיהּ? דְּכֵירְנָא כַּד הֲוָה יָתֵיבְנָא אַחַר שֵׁב עֶשְׂרֵה שׁוּרָן אֲחוֹרֵיהּ דְּרַב קַמֵּיהּ דְּרַבִּי, וְנָפְקִי זִיקוּקִין דְּנוּר מִפּוּמֵיהּ דְּרַב לְפוּמֵיהּ דְּרַבִּי, וּמִפּוּמֵיהּ דְּרַבִּי לְפוּמֵיהּ דְּרַב, וְלֵית אֲנָא יָדַע מָה הֵן אָמְרִין, וְאַתְּ "אַבָּא אֲרִיכָא" קְרֵית לֵיהּ!

Rabbi Yoḥanan **said to** Isi: **Who is the head of the yeshiva** [***reish sidra***][B] **in Babylonia?** Isi **said to** Rabbi Yoḥanan: It is **Abba the tall,**[P] i.e., the *amora* Rav. Rabbi Yoḥanan **said to** Isi: **You call him Abba the tall,** in such a familiar manner? **I remember when I sat seventeen rows behind Rav,** who sat **before Rabbi** Yehuda HaNasi, **and fiery sparks emerged from the mouth of Rav to the mouth of Rabbi** Yehuda HaNasi, **and from the mouth of Rabbi** Yehuda HaNasi **to the mouth of Rav, and I did not know what they said,** due to the profundity of their discussion. **And** yet **you call him Abba the tall?**

אֲמַר לֵיהּ אִיהוּ: רֵאשִׁית הַגֵּז בְּכַמָּה? אֲמַר לֵיהּ רַבִּי יוֹחָנָן: בְּשִׁשִּׁים. וְהָאֲנַן "בְּכָל שֶׁהֵן" תְּנַן? אֲמַר לֵיהּ: אִם כֵּן, מַה בֵּין לִי וָלָךְ?

Isi **said to** Rabbi Yoḥanan: With regard to **the first sheared wool, to how much** fleece does the mitzva apply? **Rabbi Yoḥanan said to him:** The first sheared wool applies **to** fleece weighing **sixty** *sela*. Isi asked: **But didn't we learn** in the mishna (135a) that the first sheared wool applies **to any amount** of fleece? Rabbi Yoḥanan **said to him** in reply: **If so,** i.e., if the *halakha* could be understood by a simple reading of the mishna, **what** is the difference **between my** knowledge **and yours?** In fact, you know only the mishna's statement, whereas I know the halakhic conclusion in this matter.

כִּי אֲתָא רַב דִּימִי אֲמַר: רֵאשִׁית הַגֵּז – רַב אָמַר: בְּשִׁשִּׁים, וְרַבִּי יוֹחָנָן מְשׁוּם רַבִּי יַנַּאי אָמַר: בְּשֵׁשׁ. אֲמַר לֵיהּ אַבַּיֵי לְרַב דִּימִי: אַנְחַת לָן חֲדָא, וְאַקְשַׁת לָן חֲדָא.

§ **When Rav Dimi came** from Eretz Yisrael to Babylonia, he **said:** With regard to **the first sheared wool, Rav says** that the mitzva applies **to sixty** *sela*, **and Rabbi Yoḥanan in the name of Rabbi Yannai says** that the mitzva applies **to six** *sela*. **Abaye said to Rav Dimi: You have made one** statement **work out well for us, but you have made another** statement **difficult for us.**

בְּשִׁלְמָא דְּרַבִּי יוֹחָנָן אַדְּרַבִּי יוֹחָנָן לָא קַשְׁיָא, הָא – דִּידֵיהּ, הָא – דְּרַבֵּיהּ.

Abaye elaborates: **Granted,** you have resolved a contradiction between two statements of Rabbi Yoḥanan. Rabbi Yoḥanan said above that the amount of fleece to which the obligation of the first sheared wool applies is six *sela*, whereas in his answer to Isi he stated that the amount is sixty *sela*. According to Rav Dimi, the apparent contradiction between one statement **of Rabbi Yoḥanan and** the other statement **of Rabbi Yoḥanan** is **not difficult,** as **this** statement **is his** and **that** statement **is his teacher's.** Rabbi Yoḥanan holds that the obligation applies to sixty *sela*, whereas his teacher Rabbi Yannai maintains that it applies to six *sela*.

HALAKHA

***Pe'a* has no measure – פֵּאָה אֵין לָהּ שִׁיעוּר:** The mitzva of *pe'a* has no measure by Torah law; if one leaves even a single stalk he has fulfilled his obligation. By rabbinic law its measure is no less than one-sixtieth of the produce, both within and outside of Eretz Yisrael. One should add to this one-sixtieth in accordance with the size of the field, the number of poor people, and the size of the crop with which he is blessed. How is this done? If one has a very small field, of which one-sixtieth is a portion of no consequence, or if there are many poor people, one should add to the specified measure. If one sowed little and yet harvested a large crop, he should likewise add to the measure in accordance with the blessing he received. The amount one should add to the minimal requirement has no measure, and whoever adds more *pe'a* receives additional reward. This ruling is based upon the mishna in tractate *Pe'a* and upon the statement of Rav and Shmuel (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 1:15).

BACKGROUND

Head of the yeshiva [*reish sidra*] – רֵישׁ סִדְרָא: The ancient title of the head of the yeshiva in Babylonia was *reish sidra*, presumably because he would give a discourse on the weekly Torah portion, which is called a *sidra*.

PERSONALITIES

Abba the tall – אַבָּא אֲרִיכָא: Abba the tall is a moniker of Rav, founder of the yeshiva in Sura and one of the first Babylonian *amora'im*. His name was Abba bar Aivu, although he was referred to as Rav because he was the greatest scholar in the Diaspora. The name Abba the tall is derived from the fact that he was one of the tallest men of his time (*Nidda* 24b).

NOTES

The obligation of *pe'a* outside of Eretz Yisrael – חִיּוּב פֵּאָה בְּחוּצָה לָאָרֶץ: The Rambam writes that according to the Gemara, the mitzva of *pe'a* applies outside of Eretz Yisrael by rabbinic law (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 1:14). Some commentaries explain that the Rambam is referring to the Gemara earlier (134b) that relates that Levi sowed crops in a place called Kishar and asked Rav Sheshet whether he should leave gleanings, as there were no poor people available to collect them. The obligation to leave *pe'a* is possibly similar to the obligation to leave gleanings in this regard, and although the exact location of Kishar is unknown, it was likely outside of Eretz Yisrael, as the Babylonian *amora* Rav Sheshet was consulted (*Kesef Mishne*). Since the Gemara here explicitly refers to the obligation of *pe'a* outside of Eretz Yisrael, it is more likely that the Rambam's ruling is based on this discussion (*Torat Ḥayyim*).

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אֶלָּא דְּרַב אַדְּרַב קְשִׁיָא, דְּהָא אֲמַר רַב: מָנֶה וּפְרָס! דְּרַב אַדְּרַב נַמִּי לָא קַשְׁיָא, מַאי ״מָנֶה״ דְּקָאָמַר – בֶּן אַרְבָּעִים סְלָעִים, דַּהֲוָה לֵיהּ

But the contradiction between one statement **of Rav and** another statement **of Rav** poses **a difficulty, as Rav said** that fleece weighing **one hundred dinars** [*maneh*] **and half** of one hundred dinars [*maneh*] is obligated in the first sheared wool, whereas Rav Dimi stated that according to Rav the obligation applies to sixty *sela*, which are 240 dinars. The Gemara answers: The apparent contradiction between the one statement **of Rav and** the other statement **of Rav** is **also not difficult,** as **what** is the ***maneh*** of **which** Rav **said** that a *maneh* and a half are obligated? Rav was referring not to a *maneh* of one hundred dinars but to a *maneh* **of forty *sela*,** i.e., 160 dinars, a *maneh* and a half of **which is**

Perek **XI**
Daf **138** Amud **a**

NOTES

To stand to serve, etc. – לְעָמְדוֹ לְשָׁרֵת וכו׳: Rabbi Yehoshua ben Levi's inference was cited earlier (137a) with regard to the *halakha* that the obligation of the first sheared wool applies only to sheep's wool, from which the priestly garments are woven. The Gemara here cites this reasoning with regard to the amount of wool one must give the priest, which was the original subject of Rabbi Yehoshua ben Levi's inference.

Belt – אַבְנֵט: The belt was fashioned from four types of threads, each of which was spun from six strands (*Yoma* 71b, and see Rashi there). The High Priest's belt was embroidered (see Exodus 28:39), as were the belts of the common priests, according to some commentaries (Ramban; *Smag*). Others maintain that the belts of common priests were not embroidered (Rambam; *Sefer HaḤinnukh*). There was an alcove in the chamber of vestments marked: Belts, in which the belts were stored.

The belt, which was worn above the tunic, was thirty-two cubits in length (Jerusalem Talmud, *Yoma* 7:3) and three fingerbreadths wide. The priest would wind the belt around his body several times before tying it (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 10:1–2). Josephus writes that the ends of the belt would dangle down to the priest's ankles (*Antiquities of the Jews* III:7).



Embroidered belt

בְּשִׁשִּׁים, וְתָנֵי תַּנָּא ״מָנֶה בֶּן אַרְבָּעִים סְלָעִים״? אֵין, וְהָתְנַן: חֲמַת חֲדָשָׁה, אַף עַל פִּי שֶׁמְּקַבֶּלֶת רְמוֹנִים – טְהוֹרָה

equivalent to the weight **of sixty** *sela*, as stated by Rav Dimi. The Gemara asks: **But** does **a *tanna* teach** that **a *maneh* is of forty *sela*?** The Gemara answers: **Yes; and we learned** in the *Tosefta* (*Kelim, Bava Metzia* 6:2): With regard to **a new** leather **flask**[B] that is not yet completely sewn together, **even though it can contain pomegranates,** nevertheless, because it cannot contain liquids it is considered unfinished and is **not susceptible to ritual impurity.**

תְּפָרָהּ וְנִקְרְעָה – שִׁיעוּרָהּ כִּמְוֹצִיא רְמוֹנִים. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר: כְּפִקָּעִיּוֹת שֶׁל שְׁתִי, אַחַת מֵאַרְבַּע בְּמָנֶה בֶּן אַרְבָּעִים סְלָעִים.

If one **sewed** the flask together **and it tore,** the **measure** of the tear that renders the flask no longer susceptible to impurity is a hole large enough **to enable pomegranates to go out,** as then it ceases to serve as a vessel. **Rabbi Eliezer ben Ya'akov says:** The tear must be **like** the measure of **balls of a warp,**[B] the weight of each of which is **one-quarter of a *maneh* of forty *sela*.** This *tanna* explicitly mentions a *maneh* of forty *sela*.

״וְכַמָּה נוֹתֵן לוֹ״ כו׳. תָּנָא: לֹא שֶׁיְּלַבְּנֶנּוּ וְיִתְּנֶנּוּ לוֹ, אֶלָּא שֶׁיְּלַבְּנֶנּוּ כֹּהֵן וְיַעֲמוֹד עַל חֲמֵשׁ סְלָעִים.

§ The mishna states: **And how much** of the sheared wool **does one give to** the priest? One gives him the weight of five *sela* in Judea, which are ten *sela* in the Galilee, once laundered and not when sullied. The Sages **taught:** The mishna does **not** mean **that one** must **launder** the wool **and** then **give it to** the priest; **rather,** the meaning is **that** one must give him enough wool for the **priest to launder it and it will amount to five *sela*.**

כְּדֵי לַעֲשׂוֹת בֶּגֶד קָטָן. מְנָלַן מִילֵּי? אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: אָמַר קְרָא ״לַעֲמֹד לְשָׁרֵת״ – דָּבָר שֶׁהוּא רָאוּי לְשֵׁירוּת, מַאי נִיהוּ – אַבְנֵט.

The mishna states: The measure that must be given to the priest is **enough to fashion a small garment** from it. The Gemara asks: **From where are these matters** derived? **Rabbi Yehoshua ben Levi said:** The **verse** that follows the mention of the first sheared wool **states:** "For the Lord your God has chosen him out of all your tribes, **to stand to serve**[N] in the name of the Lord, he and his sons forever" (Deuteronomy 18:5). The term "to serve" indicates that the first sheared wool given to the priest must be **a matter that is fitting for service** in the Temple, i.e., an amount of wool sufficient to fashion one of the priestly garments. **What is** the garment in question? It is the **belt,**[N] which is made from wool weighing five *sela*.

BACKGROUND

New leather flask – חֲמַת חֲדָשָׁה: The leather flask was a wineskin, a type of sack fashioned from leather, mainly used to store liquids, such as water or wine. The two sides of the skin were sewn firmly together to prevent the liquids from seeping out. An opening was left at the top of the flask, which was tied closed and opened only when necessary. A new flask was one that was not yet completely sewn together. Since it still contained holes through which the liquids could seep, it was unfit for use and considered unfinished.

Balls of a warp – כְּפִקָּעִיּוֹת שֶׁל שְׁתִי: The threads of the warp formed the basis of the fabric. The weaver first attached the threads of the warp to the loom in a fixed position, and then would weave the threads of the woof between those of the warp. Although the threads of the warp were sometimes lifted to enable the threads of the woof to pass between them, their position was fixed. Since the threads of the warp held the fabric together, they had to be much stronger than the threads of the woof, and typically were also thinner. Before they were placed in the loom, the threads of the warp were wrapped around balls. Apparently the dimensions of the balls of the warp were fixed, and therefore they served as a particular measurement of size.

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אֵימָא מְעִיל! תָּפַשְׂתָּ מְרוּבֶּה – לֹא תָּפַשְׂתָּ, תָּפַשְׂתָּ מוּעָט – תָּפַשְׂתָּ.

The Gemara asks: Is the garment in question necessarily the belt? **Say** that it is the **robe,**[N] which is fashioned from a far greater amount of wool. The Gemara answers: This inference is based on the principle that if **you grasped a lot you did not grasp** anything; if **you grasped a little, you grasped** something. Since a belt meets the condition of "to serve," as it is one of the priestly vestments, one cannot say that the obligation is any greater than the amount of wool needed to fashion a belt.

וְאֵימָא כִּיפָּה שֶׁל צֶמֶר! דְּתַנְיָא: כִּיפָּה שֶׁל צֶמֶר הָיְתָה מוּנַּחַת בְּרֹאשׁ כֹּהֵן גָּדוֹל, וְעָלֶיהָ צִיץ נָתוּן, לְקַיֵּים מַה שֶּׁנֶּאֱמַר ״וְשַׂמְתָּ אֹתוֹ עַל פְּתִיל תְּכֵלֶת״!

But say that the garment in question is the **cap of wool** that the High Priest wears, which is smaller than the belt. **As it is taught** in a *baraita*: **A cap of wool was placed on the High Priest's head, and** the **frontplate was placed upon it,**[BN] **to fulfill that which is stated** with regard to the frontplate: **"And you shall put it on a thread of sky blue,** and it shall be upon the mitre; upon the forefront of the mitre it shall be" (Exodus 28:37). The term "thread of sky blue" is referring to the cap of sky-blue wool.

אֲמַר קְרָא: ״הוּא וּבָנָיו״ – דָּבָר הַשָּׁוֶה לְאַהֲרֹן וּלְבָנָיו.

The Gemara answers that the **verse states:** "To stand to serve in the name of the Lord, **he and his sons**" (Deuteronomy 18:5), which indicates that the verse is referring to **a matter,** i.e., a garment, **that is equal for Aaron and for his sons.** The wool given to the priest must be of sufficient size for fashioning a garment worn both by the High Priest and by common priests, whereas the woolen cap is worn only by the High Priest.

אַבְּגֵט נַמִּי לָא שָׁוֵי! הָנִיחָא לְמַאן דְּאָמַר אַבְּגֵטוֹ שֶׁל כֹּהֵן גָּדוֹל לֹא זֶהוּ אַבְּגֵטוֹ שֶׁל כֹּהֵן הֶדְיוֹט – שַׁפִּיר.

The Gemara objects: But the **belt is also not equal** for all priests. The Gemara elaborates: **This works out well according to the one who said** that the linen **belt of** the **High Priest** worn on Yom Kippur **is not** the same as **the belt of an ordinary priest.**[HN] According to this opinion, both the belt of common priests and the belt worn by the High Priest during the rest of the year were fashioned from a mixture of wool and linen. This belt is therefore equal for all priests, and it works out **well.**

אֶלָּא לְמַאן דְּאָמַר זֶהוּ אַבְּגֵטוֹ שֶׁל כֹּהֵן הֶדְיוֹט מַאי אִיכָּא לְמֵימַר? שֵׁם אַבְּגֵט בָּעוֹלָם.

But according to the one who said that the linen belt worn by the High Priest on Yom Kippur **is** the same as the **belt of an ordinary priest, what can be said?** According to this opinion, the belt fashioned from wool and linen is worn only by the High Priest during the rest of the year. The Gemara answers: Although the belts are different, the **term belt in general** applies to all priests, whereas no type of cap is worn by common priests.

BACKGROUND

Cap of wool…and the frontplate was placed upon it – כִּיפָּה שֶׁל צֶמֶר...וְעָלֶיהָ צִיץ:



Front and back view of the High Priest wearing the frontplate

HALAKHA

Belt of the High Priest…belt of an ordinary priest – אַבְּגֵטוֹ שֶׁל כֹּהֵן גָּדוֹל...אַבְּגֵטוֹ שֶׁל כֹּהֵן הֶדְיוֹט: The belt of the High Priest was embroidered, as was the belt of ordinary priests (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 8:2, and see *Leḥem Mishne* there).

NOTES

Say that it is the robe – אֵימָא מְעִיל: The principle invoked by the Gemara here: If you grasped a lot you did not grasp anything, is necessary only at this stage of the discussion. Yet, the Gemara later derives that the garment is one worn by both the High Priest and common priests, while the robe is worn only by the High Priest. Therefore, it is evidently not the garment in question (*Lev Arye*).

A cap of wool was placed on the High Priest's head and the frontplate was placed upon it – כִּיפָּה שֶׁל צֶמֶר הָיְתָה מוּנַּחַת בְּרֹאשׁ כֹּהֵן גָּדוֹל וְעָלֶיהָ צִיץ נָתוּן: The cap was worn beneath the frontplate (Rashi). Although it is prohibited for the priests to wear garments other than the priestly vestments when performing the Temple service, the cap is not considered an additional garment, nor does it constitute an interposition between the priest and the frontplate. Rather, the cap is part of the mitzva of the frontplate: The Torah states that the frontplate must be placed on a thread of sky blue (Exodus 28:37), and this thread was woven into the form of a cap (Rabbi Avraham ben HaRambam). Others maintain that the cap was not placed beneath the frontplate when the High Priest wore his other priestly vestments and performed the Temple service, as that would in fact be considered an additional garment. Rather, this is referring to a High Priest who was not performing the Temple service. Even during these periods he still wore the frontplate, during which time he would wear the cap beneath it (*Barukh Ta'am*).

The linen belt of the High Priest worn on Yom Kippur is not the same as the belt of an ordinary priest – אַבְּגֵטוֹ שֶׁל כֹּהֵן גָּדוֹל לֹא זֶהוּ אַבְּגֵטוֹ שֶׁל כֹּהֵן הֶדְיוֹט: The Yom Kippur garments of the High Priest were fashioned entirely from linen, in accordance with the verse: "He shall put on the sacred linen tunic, and he shall have the linen breeches upon his flesh, and shall be girded with the linen girdle, and with the linen mitre shall he be attired; they are the sacred garments; and he shall bathe his flesh in water and put them on" (Leviticus 16:4). The belt worn during the rest of the year was fashioned from a mixture of dyed wool and linen, as the Torah states: "And the girdle of fine twined linen, and blue, and purple, and scarlet" (Exodus 39:29). The Sages (*Yoma* 6a) dispute whether this verse refers to all priests, in which case even common priests wear a belt of linen and wool, or whether it refers only to the High Priest, whereas common priests wear a belt of linen (Rashi).

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"לֹא הִסְפִּיק לִיתְּנוֹ" וכו'. אִיתְּמַר, גָּזַז וּמָכַר רִאשׁוֹנָה. רַב חִסְדָּא אָמַר: חַיָּיב, רַבִּי נָתָן בַּר הוֹשַׁעְיָא אָמַר: פָּטוּר.

§ The mishna states: If the owner of the shearing **did not manage to give it** to the priest until he dyed it, he is exempt from the obligation of giving the first sheared wool. The mishna further teaches that one who purchases the fleece of the sheep of a gentile is exempt from the obligation of the first sheared wool. It **was stated** that *amora'im* disagreed with regard to one who owned five sheep and he **sheared and sold the first** sheep[NH] before shearing the second, and in this manner sold each sheep after shearing it. When he finished shearing he owned the requisite five fleeces, to which the obligation of the first sheared wool applies, but he no longer owned the sheep. **Rav Ḥisda says:** He is **obligated** in the mitzva of the first sheared wool; and **Rabbi Natan bar Hoshaya says:** He is **exempt** from the mitzva of the first sheared wool.

רַב חִסְדָּא אָמַר חַיָּיב – דְּהָא גָּזַז. רַבִּי נָתָן בַּר הוֹשַׁעְיָא אָמַר פָּטוּר – בְּעִידָּנָא דְּקָא מְלֵא שִׁיעוּרָא, בְּעֵינַן "צֹאנְךָ" – וְלֵיכָּא!

The Gemara clarifies the two opinions. **Rav Ḥisda says** that he is **obligated, as** he **sheared** five sheep that he owned at the time of shearing, and therefore the term: "Your flock" (Deuteronomy 18:4), applies to this case. **Rabbi Natan bar Hoshaya says** that he is **exempt,** as **at the time that the measure** of five fleeces **is completed, we require** the term "**your flock**" to apply, since the obligation takes effect at that stage, **and** in this case it does **not** apply.

תְּנַן: הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל גּוֹי – פָּטוּר מֵרִאשִׁית הַגֵּז, הָא צֹאנוֹ לִגְזוֹז – חַיָּיב, אַמַּאי? כָּל חַד וְחַד בָּתַר גִּיזָּה נָפְקָא לָהּ מֵרְשׁוּתֵיהּ!

The Gemara raises a challenge: **We learned** in the mishna (135a): **One who purchases the fleece of the sheep of a gentile is exempt from** the obligation of **the first sheared wool,** as he purchased only the fleece but not the sheep. One can infer from here that if he purchased the gentile's **sheep** themselves in order **to shear** them and then return them to the gentile, he is **obligated,** because the sheep belonged to him at the time of shearing. But **why** is he obligated, according to the opinion of Rabbi Natan bar Hoshaya? **Each and every one** of the sheep, **after** the **shearing** is completed, **leaves his possession,** and when he has sheared five sheep, the term "your flock" no longer applies to them.

תִּרְגְּמָא רַב חִסְדָּא אַלִּיבָּא דְּרַבִּי נָתָן בַּר הוֹשַׁעְיָא: כְּגוֹן שֶׁהִקְנָן לוֹ כָּל שְׁלֹשִׁים יוֹם.

Rav Ḥisda interpreted the mishna **according to** the opinion **of Rabbi Natan bar Hoshaya:** The mishna is referring to a case **where** the gentile **transferred ownership to him** for the **entire** period of **thirty days** during which the Jew sheared the sheep. Therefore, he retained ownership after he completed shearing, and the term "your flock" does apply to the sheep at the time when the obligation of the first sheared wool took effect.

"הַלּוֹקֵחַ גֵּז צֹאנוֹ שֶׁל חֲבֵירוֹ" כו'. מַאן תַּנָּא דְּהֵיכָא דְּאִיבְּדָא שִׁיוּרָא גַּבֵּי מוֹכֵר – בָּתַר מוֹכֵר אָזְלִינַן?

§ The mishna teaches: With regard to **one who purchases the fleece of the sheep of another** Jew, if the seller kept some of the wool, then he is obligated to give the first sheared wool to the priest. If the seller did not keep any of the wool, the buyer is obligated to give it. The Gemara asks: **Who** is the *tanna* who **taught that** in a case **where there is residual** wool **in** the possession of the **seller, we follow the seller** in determining who is obligated in the mitzva of first sheared wool?

אָמַר רַב חִסְדָּא: רַבִּי יְהוּדָה הִיא, דְּתַנְיָא: הַמּוֹכֵר קִלְחֵי אִילָן בְּתוֹךְ שָׂדֵהוּ – נוֹתֵן פֵּאָה לְכָל אֶחָד וְאֶחָד.

Rav Ḥisda said: The *tanna* who taught the mishna **is Rabbi Yehuda, as we learned** in a mishna (*Pe'a* 3:5): With regard to **one who sells** a few fruit-bearing **tree stalks**[N] **within his field,**[H] without selling the field itself, for the buyer to uproot them and plant them in his own field, the buyer **gives** separate ***pe'a* for each and every one** of the trees. The field does not combine the trees into a single unit for *pe'a*, as the land is not owned by the buyer.

אָמַר רַבִּי יְהוּדָה: אֵימָתַי – בִּזְמַן שֶׁלֹּא שִׁייֵר בַּעַל הַשָּׂדֶה, אֲבָל שִׁייֵר בַּעַל הַשָּׂדֶה – נוֹתֵן פֵּאָה עַל הַכֹּל.

Rabbi Yehuda said: When is it the buyer's obligation to give *pe'a*? It is **when the owner of the field did not leave** any of the trees in his possession. **But** if **the owner of the field left** some of the trees in his possession, the owner **gives *pe'a* for all** the trees. Just as in the case of *pe'a*, if the seller left trees for himself then the obligation applies to him, so too, with regard to the first sheared wool, if the seller left some of the wool for himself, the obligation applies to him.

NOTES

He sheared and sold the first sheep, etc. – גָּזַז וּמָכַר רִאשׁוֹנָה וכו': Some commentaries write that the *halakha* is in accordance with the opinion of Rav Ḥisda, as the discussion in the Gemara appears to follow his opinion (Ritva). Therefore, in the case discussed here one is obligated in the mitzva of the first sheared wool. Yet, the Gemara states elsewhere that if there is a lenient opinion with regard to a *halakha* that applies in Eretz Yisrael, then outside Eretz Yisrael the *halakha* is in accordance with that opinion (*Berakhot* 36a). If so, the *halakha* should follow the stringent opinion of Rav Ḥisda only in Eretz Yisrael, whereas outside Eretz Yisrael the *halakha* should be in accordance with the opinion of Rabbi Natan bar Hoshaya. In any case, the accepted practice nowadays is in accordance with the opinion of Rabbi Ilai, who holds that the mitzva of the first sheared wool is not in effect outside of Eretz Yisrael.

One who sells tree stalks – הַמּוֹכֵר קִלְחֵי אִילָן: The phrase: Tree stalks, is unusual, as the term stalks typically applies to grain. Rashi explains that the mishna uses this term because it is in fact discussing a field of grain in which there are also two or three trees. Since the buyer bought only the trees, he gives *pe'a* for each tree separately. The field does not serve to combine the trees into a single obligation, as it is not owned by him. The mitzva of *pe'a* applies to trees as well as to grain, in accordance with the verse: "When you beat your olive tree, you shall not go over the boughs again; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:20).

Others explain that the mishna is referring to one who sold several parts of his field to different buyers. Each buyer is obligated to leave *pe'a* from his part of the field. If the seller initially commenced his harvesting and then sold sections of his field, leaving part of it in his possession, he is obligated to leave *pe'a* for the entire field. If he first sold part of his field and only afterward commenced harvesting, he is required to leave *pe'a* only for that part of the field which he reserved for himself (Rambam's Commentary on the Mishna; Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 3:18).

HALAKHA

Sheared and sold the first sheep – גָּזַז וּמָכַר רִאשׁוֹנָה: If one had five sheep, and he sheared one of them and sold the fleece before shearing the second, and then sheared the second and sold the fleece before shearing the third, and continued in this manner, all the fleeces combine to render him obligated in the mitzva of the first sheared wool. This is the *halakha* even if the wool was shorn over the course of a number of years. Some commentaries claim that the same applies if one sold some of the sheep before he completed all the shearing (Rema). This ruling is in accordance with the opinion of Rav Ḥisda, as he is considered a greater authority than Rabbi Natan bar Hoshaya, and also because the straightforward meaning of the mishna is in accordance with his opinion (*Kesef Mishne*). If one owned only one sheep, which he sheared before buying a second sheep, and then sheared the second before buying a third, and so on, the fleece does not combine to render him obligated in the mitzva of the first sheared wool, even if all of the fleece was in his possession at the conclusion of the process (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 10:15; *Shulḥan Arukh*, *Yoreh De'a* 333:12).

One who sells a few tree stalks within his field – הַמּוֹכֵר קִלְחֵי אִילָן בְּתוֹךְ שָׂדֵהוּ: If one sells his field, dividing it between several buyers and leaving nothing for himself, each buyer gives *pe'a* from his part of the field. If the seller first commenced harvesting and then sold part of his field, leaving part of it in his possession, he gives *pe'a* for the entire field, as the obligation applies to him from when he begins harvesting. If he first sold part of his field and subsequently commenced harvesting, then the buyer gives *pe'a* for the part that he purchased, and the seller gives *pe'a* for the section of the field that he reserved for himself. This ruling is based on the statements of both the first *tanna* and Rabbi Yehuda, as Rabbi Yehuda does not dispute the ruling of the first *tanna* but merely clarifies its meaning (Rambam *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 3:18).

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אֲמַר לֵיהּ רָבָא: וְהָא מָר הוּא דַּאֲמַר, וְהוּא שֶׁהִתְחִיל בַּעַל הַשָּׂדֶה לִקְצוֹר!

Rava said to Rav Ḥisda: **But wasn't it** you, **Master, who said** with regard to Rabbi Yehuda's ruling that the owner gives *pe'a* for all the trees: **This is** the *halakha* only **when the owner of the field began to harvest** the fruit before he sold the trees, as the obligation to give *pe'a* had already applied to him. By contrast, with regard to the first sheared wool, the obligation came into effect only after he sold his sheep.

וְכִי תֵּימָא הָכִי נַמִּי וְהוּא שֶׁהִתְחִיל לִגְזוֹז, בִּשְׁלָמָא הָתָם ״וּבְקֻצְרְכֶם אֶת קְצִיר אַרְצְכֶם״ כְּתִיב – מֵעִידָּנָא דְּאַתְחֵיל לְקָצוֹר מִיחַיַּיב בְּכוּלָּהּ שָׂדֶה, אֶלָּא הָכָא – מֵעִידָּנָא דְּאַתְחֵיל לְמֵימַז לָא מִיחַיַּיב בְּכוּלֵּיהּ עָדְרֵיהּ!

And if you would say that **so too,** with regard to the first sheared wool, **this** *halakha* that the seller gives the first sheared wool applies only **if** the seller **began to shear** the sheep before he sold them, that explanation is difficult. The Gemara elaborates: **Granted, there,** with regard to *pe'a,* it **is written: "And when you reap the harvest of your land"** (Leviticus 19:9), which indicates that **from the time that he began to harvest he is obligated** in the mitzva of *pe'a* **with regard to the entire field. But here,** in the case of the first sheared wool, **he is not obligated with regard to the entire flock from the time that he began to shear** his sheep. Therefore, even if he began shearing before he sold the sheep, the obligation to give the first sheared wool should not apply to the seller.

אֶלָּא אֲמַר רָבָא: הַאי תַּנָּא הוּא, דְּתָנֵן: אָמַר לוֹ ״מְכוֹר לִי בְּנֵי מֵעֶיהָ שֶׁל פָּרָה זוֹ״, וְהָיָה בָּהֶן מַתָּנוֹת – נוֹתְנָן לַכֹּהֵן, וְאֵין מְנַכֶּה לוֹ מִן הַדָּמִים. לָקַח מִמֶּנּוּ בַּמִּשְׁקָל – נוֹתְנָן לְכֹהֵן וּמְנַכֶּה לוֹ מִן הַדָּמִים,

Rather, Rava said: It is this *tanna* who taught the mishna, **as we learned** in a different mishna (132a): If one **said to** a butcher: **Sell me the innards of this cow, and there were gifts** of the priesthood included **in them,** i.e., the maw, the purchaser **must give them to the priest, and** he **may not deduct** the value of the gifts **from the money** that he pays the butcher, as it is assumed that the gifts were not included in the sale. If **he purchased** the innards **from** the butcher **by weight,** the buyer **must give** the gifts **to a priest and** he **may deduct** the value of the gifts **from the money** that he pays the butcher. If the priestly gifts have not yet been separated from the animal, the price by weight includes the price of these gifts. But since the priests had the right to their gifts from the time of the slaughter, the buyer does not need to pay for them and may therefore deduct their value from his payment.

Perek **XI**
Daf **138** Amud **b**

אַלְמָא – מַתָּנוֹת דִּכֹהֵן לָא מְזַבֵּין אִינִישׁ, הָכָא נַמִּי – מַתָּנוֹת דִּכֹהֵן לָא מְזַבֵּין אִינִישׁ. הִלְכָךְ: שְׁיֵיר הַמּוֹכֵר – מוֹכֵר חַיָּיב, דַּאֲמַר לֵיהּ לוֹקַחַ: מַתָּנָה דִּכֹהֵן גַּבָּךְ הִיא. לָא שְׁיֵיר – לוֹקַחַ חַיָּיב, דַּאֲמַר לֵיהּ מוֹכֵר: מַתָּנָה דִּכֹהֵן לָא זַבֵּינִי לָךְ.

Evidently, a person does not sell the gifts belonging **to** the **priest,** and therefore they are not included in the sale of the innards unless they were sold by weight. **Here too,** with regard to the first sheared wool, **a person does not sell the gifts** belonging **to** the **priest. Therefore,** if **the seller left** wool in his possession, the **seller is obligated** to give the first sheared wool from the remaining wool for that which he sold, **as** the **buyer** can **say to** the seller: The **gift of** the **priest is in your** possession, since you did not sell me everything. If the seller did **not leave** any wool in his possession, **the buyer is obligated** to give the first sheared wool and he does not deduct its value from the price, **as the seller** can **say to him: I did not sell the gift of** the **priest to you,** i.e., there was no obligation to give the gifts to a priest when I sold the wool to you, and therefore the buyer is required to give the gifts to the priest.

הדרן עלך ראשית הגז

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Summary of **Perek XI**

This chapter analyzed a single topic: The mitzva to give the first sheared wool to a priest. It continued the discussion of the previous chapter, which also dealt with one of the gifts of the priesthood.

The Sages ruled that the mitzva of the first sheared wool is in effect everywhere and at all times. Nevertheless, nowadays the priests are unable to claim the first sheared wool, because they cannot prove their priestly lineage. Furthermore, the accepted practice follows the opinion that the first sheared wool is not in effect outside of Eretz Yisrael.

The Gemara concluded that the first sheared wool is non-sacred. There is a monetary obligation to give it to the priest, but it has no inherent sanctity. If one neglected to separate the first sheared wool, neither the fleece nor the animal is prohibited. Furthermore, the mitzva applies only to sheep.

The Torah does not specify how many sheep one must own in order for the mitzva of the first sheared wool to apply, nor does it indicate how much of the fleece one is required to give the priest. The Sages derived that one is obligated in the mitzva of the first sheared wool only if he owns a minimal number of sheep. According to the Gemara's conclusion, the mitzva applies to no fewer than five sheep. As for the quantity one is required to give, the Sages stated that one must give the priest an amount of significance, i.e., enough to constitute an actual gift. The mishna specified that this is equal to the amount required for the fashioning of a small garment.

The mitzva of the first sheared wool applies to any wool detached from a sheep, whether it was shorn in the usual manner or removed in another way. With regard to the issue of who is obligated in the mitzva of the first sheared wool, the Gemara concluded that partners are obligated in the first sheared wool. If one buys sheep from another, whoever owns the sheep at the time of their shearing is obligated in the mitzva.

If the owner did not give the first sheared wool to the priest, once he has dyed the wool he is exempt from this obligation, as this action causes him to acquire ownership of the wool. Therfeore, he is considered like one who damaged the gifts of the priesthood, and he is not obligated to pay their value. If the wool was not dyed, then he does not acquire ownership of the wool even if it was laundered. Consequently, he is obligated to give the first sheared wool to the priest.

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Introduction to **Perek XII**

If a bird's nest happens before you on the way, in any tree or on the ground, with fledglings or eggs, and the mother is resting upon the fledglings, or upon the eggs, you shall not take the mother with the young; you shall send the mother, but the young you may take for yourself; that it may be well for you, and that you may prolong your days.

(Deuteronomy 22:6–7)

The principles of the mitzva of sending away the mother bird from the nest are written and to a degree explained in the Torah. Yet various details are not clarified, leaving room for several questions with regard to the various aspects of the mitzva that must be resolved.

The Torah does not specify a type of bird when discussing the mitzva of sending away the mother bird. The question therefore arises: Does this mitzva apply to all birds that one happens upon or only to specific birds? For example, is one obligated to send away only ownerless birds, or does the obligation extend even to those readily available in one's home? Additionally, does it apply only to kosher birds or to non-kosher birds as well?

Another question: How does one fulfill the mitzva properly? Granted, the Torah requires that one send away the mother bird and states that one may not take the eggs or fledglings with her. But is one allowed to trap the mother bird after sending her away, or does the mitzva entail sending away the mother such that one cannot subsequently trap her?

The wording of the verses discussing this mitzva also raises some questions. The verse describes a case where one finds a bird's nest "on the way." Does this limit the mitzva to nests literally found on the road, or is any nest included, wherever it is found? Similarly, the verse states that "the mother is resting upon the fledglings." Does the mitzva apply if a male is found resting upon the young? And since the verse describes a case where the mother "is resting" upon the nest, what is the *halakha* if the mother flew away from the nest, or is not resting directly upon it?

From the phrase "You shall not take the mother with the young," it would appear that one who transgresses this prohibition is liable to receive lashes by the court, as is the *halakha* with regard to other prohibitions. This raises yet another question: Can the transgressor rectify his transgression by subsequently sending away the mother, or does he receive lashes in any case?

These issues constitute the primary focus of this chapter, which concludes tractate *Ḥullin*. The chapter, and therefore the entire tractate, ends with a description of the reward bestowed upon those who fulfill the mitzvot and the long life promised to those who fulfill the mitzva of sending away the mother bird from the nest.

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מתני׳ שִׁילּוּחַ הַקֵּן נוֹהֵג בָּאָרֶץ וּבְחוּצָה לָאָרֶץ, בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת, בַּחוּלִין אֲבָל לֹא בַּמּוּקְדָּשִׁין. חוֹמֶר בִּכְסּוּי הַדָּם מִשִּׁילּוּחַ הַקֵּן, שֶׁכִּסּוּי הַדָּם נוֹהֵג בַּחַיָּה וּבָעוֹף, בְּמְזוּמָּן וּבְשֶׁאֵין מְזוּמָּן, וְשִׁילּוּחַ הַקֵּן אֵינוֹ נוֹהֵג אֶלָּא בָּעוֹף, וְאֵינוֹ נוֹהֵג אֶלָּא בְּשֶׁאֵינוֹ מְזוּמָּן.

MISHNA The mitzva of **sending** away the mother bird from **the nest**[N] **applies** both **in Eretz** Yisrael **and outside of Eretz** Yisrael, and **in the presence of the Temple and not in the presence of the Temple.** It applies **to non-sacred** birds, **but** it does **not** apply **to sacrificial** birds.[H] There are more **stringent** elements **in the covering of the blood than in the sending** away of the mother bird from **the nest, as the covering of the blood applies to undomesticated animals and birds, to** animals and birds that are readily **available** in one's home, **and to** animals and birds **that are not** readily **available** and are hunted in the wild; **and the sending** of the mother bird from **the nest applies only to birds, and applies only to** birds **that are not** readily **available.**[H]

אֵיזֶהוּ שֶׁאֵינוֹ מְזוּמָּן? כְּגוֹן אַוָּזִין וְתַרְנְגוֹלִים שֶׁקִּנְּנוּ בַּפַּרְדֵּס, אֲבָל אִם קִנְּנוּ בַּבַּיִת, וְכֵן יוֹנֵי הַרְדְּסִיאוֹת – פָּטוּר מִשִּׁילּוּחַ. עוֹף טָמֵא – פָּטוּר מִלְּשַׁלֵּחַ. עוֹף טָמֵא רוֹבֵץ עַל בֵּיצֵי עוֹף טָהוֹר, וְטָהוֹר רוֹבֵץ עַל בֵּיצֵי עוֹף טָמֵא – פָּטוּר מִלְּשַׁלֵּחַ. קוֹרֵא זָכָר, רַבִּי אֱלִיעֶזֶר מְחַיֵּיב, וַחֲכָמִים פּוֹטְרִין.

What are considered birds **that are not** readily **available?** They are any birds, even domesticated, that may fly away at any time, **such as geese or chickens that nested in the orchard** [*pardes*].[L] **But if** geese or chickens **nested in the house, and likewise,** with regard to **domesticated pigeons** [*yonei hardisei'ot*],[B] one is **exempt from sending** away the mother bird. With regard to the nest of **a non-kosher bird,** one is **exempt from sending** away the mother bird.[H] In a case where **a non-kosher bird is resting upon the eggs of a kosher bird, or a kosher** bird **is resting upon the eggs of a non-kosher bird,** one is **exempt from sending** away the bird.[H] With regard to **a male pheasant** [*korei*],[BH] which is known to sit upon the eggs like the female of its species, **Rabbi Eliezer deems** one **obligated** to send it away, **and the Rabbis deem** one **exempt** from sending it away.

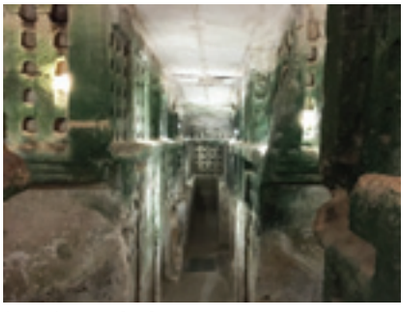
LANGUAGE

Orchard [*pardes*] – **פַּרְדֵּס:** This word appears in the Bible (Song of Songs 4:13) in reference to a pomegranate grove, and the Sages used it to refer to an orchard containing any type of fruit tree. At times it may refer to a garden used for rest and recreation.

BACKGROUND

Domesticated pigeons [*yonei hardisei'ot*] – **יוֹנֵי הַרְדְּסִיאוֹת:** During the mishnaic period, most pigeons and doves were only partially domesticated. They were often wild doves or pigeons that had become accustomed to human society and nested in the protective custody of their owners, who built dovecotes for them. These birds, who were accustomed to roam on their own during the day, found food for themselves.

Only pigeons of one specific type were completely domesticated. Those pigeons, called *yonei hardise'iot*, were entirely dependent on their owners for their care, including the provision of their food. The source of their name is disputed in the Gemara (139b). Some explain the name as deriving from Herodes, the original pronunciation of the name of King Herod, reputedly the person who first brought these birds to Eretz Yisrael. Another possibility is that they were named after the island of Rhodes, said to be their place of origin.



Ancient dovecote in Beit Guvrin

Pheasant [*korei*] – **קוֹרֵא:** This bird is identified as the sand partridge, a desert bird of the genus *Ammoperdix* in the pheasant family Phasianidae. In Eretz Yisrael these birds are found in the Jordan Valley and Dead Sea areas. The *korei* is one of the birds mentioned in the Bible, and since it was known to all in those days it served as an example or allegory in various matters.



Sand partridge, native to Eretz Yisrael

NOTES

The mitzva of sending the mother bird from the nest – **שִׁילּוּחַ הַקֵּן:** The early commentaries suggest various possible rationales for this mitzva. One explanation is that it is similar to the prohibition against slaughtering an animal and its offspring on the same day. Since animals can also experience feelings of suffering, such as when the offspring is slaughtered in the presence of its parent, or when a mother sees its chicks or eggs taken away, the mitzva is designed to prevent that suffering (Rambam, *Guide of the Perplexed*). Another explanation is that the mitzva is designed to prevent humans from developing cruel traits and does not relate to mercy for the animals, because if the purpose were mercy for the animals, the Torah would prohibit their slaughter altogether (Ramban). A third suggestion is that the mitzva teaches that unlike divine providence for people, which relates to each individual, divine providence for animals is of a general nature, simply to ensure the survival of each species. Therefore, slaughter of animals is permitted, but acts that could herald eliminating the entire species, such as slaughter of an animal and its offspring on the same day, or taking a mother bird along with its offspring, are prohibited (*Sefer HaḤinnukh*). Yet another explanation is that this mitzva evokes divine mercy for the entire world (Rabbeinu Baḥyei, based on the *Zohar*).

HALAKHA

To non-sacred birds but not to sacrificial birds – **בַּחוּלִין אֲבָל לֹא בַּמּוּקְדָּשִׁין:** In a case where one consecrated a bird for Temple maintenance but it then flew away, if he is capable of identifying it and found it resting upon fledglings, or upon eggs, he brings everything to the Temple treasurer, as sending the mother bird away from the nest does not apply to consecrated items (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:20).

And applies only to birds that are not readily available – **וְאֵינוֹ נוֹהֵג אֶלָּא בְּשֶׁאֵינוֹ מְזוּמָּן:** Sending the mother bird away from the nest applies only to a kosher bird that is not readily available, such as a pigeon that is in a dovecote or attic, or a bird that roosted in an orchard. One is not required to send away birds that are readily available, such as geese or chickens or pigeons that roosted in a house (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 292:2).

With regard to the nest of a non-kosher bird one is exempt from sending away the mother bird – **עוֹף טָמֵא פָּטוּר מִלְּשַׁלֵּחַ:** The mitzva to send the mother bird away from the nest applies only to a kosher bird (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 292:1).

In a case where a non-kosher bird is resting upon the eggs of a kosher bird…one is exempt from sending the bird – **עוֹף טָמֵא רוֹבֵץ עַל בֵּיצֵי עוֹף טָהוֹר...פָּטוּר מִלְּשַׁלֵּחַ:** If a non-kosher bird is resting upon the eggs of a kosher bird, one is exempt from the mitzva of sending away the bird (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 292:7).

Male pheasant – **קוֹרֵא זָכָר:** If a male bird, even a male pheasant, is resting upon the nest, one is exempt from sending the bird away from the nest (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 292:7).

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NOTES

לְבַד מֵרֵאשִׁית הַגֵּז לְאַפּוֹקֵי מִדְּרַבִּי אֶלְעַאי: According to the opinion of Rabbi Ilai mentioned earlier (136a), the mitzva of the first shearing of wool does not apply outside of Eretz Yisrael.

The early commentaries ask why the Gemara does not mention that it is also necessary to state that the mitzva of giving the foreleg, the jaw, and the maw of slaughtered animals to a priest applies both in Eretz Yisrael and outside of Eretz Yisrael. In that case too, Rabbi Ilai's opinion that it does not apply outside of Eretz Yisrael (136a) must be refuted.

Some commentaries answer that that mitzva should also have been mentioned, but the Gemara simply used one of the two mitzvot as an example (*Tosafot*). Another explanation is that the first shearing of wool is the one about which Rabbi Ilai stated explicitly that it does not apply outside of Eretz Yisrael, while Rabbi Ilai's opinion with regard to the other mitzva is derived from it (Rashi). Alternatively, some early commentaries hold that Rabbi Ilai's opinion is that while the mitzva of the first shearing of wool does not apply outside of Eretz Yisrael, the mitzva of giving the foreleg, the jaw, and the maw to the priests does apply everywhere (Ramban).

גמ׳ רַבִּי אָבִין וְרַבִּי מְיָישָׁא, חַד אָמַר: כָּל הֵיכָא דְּתָנַן ״בָּאָרֶץ וּבְחוּצָה לָאָרֶץ״ – שֶׁלֹּא לְצוֹרֶךְ, לְבַד מֵרֵאשִׁית הַגֵּז. לְאַפּוֹקֵי מִדְּרַבִּי אֶלְעַאי דַּאֲמַר: רֵאשִׁית הַגֵּז אֵינוֹ נוֹהֵג אֶלָּא בָּאָרֶץ.

GEMARA The mishna contains several phrases related to the mitzva of sending away the mother bird from the nest that also appear in the first mishna of several other chapters of this tractate. With regard to this, **Rabbi Avin and Rabbi Meyasha** made the following statements. **One** of them **said: Anywhere** in this tractate **that we learned** in a mishna that a particular mitzva applies both **in Eretz** Yisrael **and outside of Eretz** Yisrael, it is stated **needlessly,** as those mitzvot are not related to land, such that there is no need to teach that they apply outside of Eretz Yisrael as well. This is true **except for** the mitzva of **the first shearing** of wool, which one must give to a priest. It was necessary to teach that that mitzva applies even outside of Eretz Yisrael, **to exclude** the opinion **of Rabbi Ilai,**[N] **who said: The first shearing is in effect only in Eretz** Yisrael.

וְחַד אָמַר: כָּל הֵיכָא דְּתָנַן ״בִּפְנֵי הַבַּיִת וְשֶׁלֹּא בִּפְנֵי הַבַּיִת״ – שֶׁלֹּא לְצוֹרֶךְ, לְבַד מֵאוֹתוֹ וְאֶת בְּנוֹ. סָלְקָא דַּעְתָּךְ אָמִינָא, הוֹאִיל וּבְעִנְיָנָא דְּקָדָשִׁים כְּתִיב, בִּזְמַן דְּאִיכָּא קָדָשִׁים – נִנְהוֹג, בִּזְמַן דְּלֵיכָּא קָדָשִׁים – לָא נִנְהוֹג, קָא מַשְׁמַע לָן.

And the other **one said: Anywhere** in this tractate **that we learned** in a mishna that a particular mitzva applies both **in the presence of the Temple and not in the presence of the Temple,** it is stated **needlessly,** as these mitzvot are requirements of the object itself, and there is no need to teach that they apply even after the destruction of the Temple. This is true **except for** the prohibition against slaughtering an animal **itself and its offspring** on the same day. It was necessary to teach that this mitzva applies even after the destruction of the Temple, because it might **enter your mind to say: Since** this prohibition **is written in** a passage in the Torah discussing **the matter of sacrificial** animals (see Leviticus, chapter 22), **at a time when there are sacrificial** animals, i.e., when the Temple is standing, **we will abide** by it, but **at a time when there are no sacrificial** animals, after the destruction of the Temple, **we will not abide** by it. Therefore, that mishna **teaches us** that this is not so.

וְתַרְוַיְיהוּ אָמְרִי: כָּל הֵיכָא דְּתָנַן ״בַּחוּלִין וּבַמּוּקְדָּשִׁים״ – לְצוֹרֶךְ, לְבַד מִגִּיד הַנָּשֶׁה. פְּשִׁיטָא! מִשּׁוּם דְּאִיקַּדַּשׁ פָּקַע לֵיהּ אִיסּוּר גִּיד הַנָּשֶׁה מִינֵּיהּ?

And both of them said: Anywhere in this tractate **that we learned** in a mishna that a particular mitzva applies both **to non-sacred** animals **and to sacrificial** animals, it is stated **necessarily.** This is the case **except for** the mishna discussing the **sciatic nerve,** as it is **obvious** that the prohibition applies to sacrificial animals as well. Can it enter one's mind to say that **because it was consecrated, the prohibition of** eating **the sciatic nerve is abrogated from** the animal?

וְלָאו אוֹקִימְנָא בִּוְלָדוֹת קָדָשִׁים?

The Gemara asks: **But didn't we establish** that the mishna there (89b) is referring **to offspring of sacrificial** animals? Without the mishna, one might have thought that since the offspring was already prohibited as a sacrificial animal before its sciatic nerve was even formed, the prohibition with regard to the latter does not take effect where the former prohibition already exists. If so, it was in fact necessary to teach this *halakha*.

וּמַאי טַעֲמָא אוֹקִימְנָא? לָאו מִשּׁוּם דְּקַשְׁיָא לָן לָא לִיתְנֵי, מֵעִיקָּרָא נַמִּי לָא תִּקְשֵׁי לָךְ, אַיְידֵי דְּתָנָא לְצוֹרֶךְ – תָּנָא נַמִּי שֶׁלֹּא לְצוֹרֶךְ.

The Gemara responds: **But what is the reason we interpreted** that mishna as referring to offspring of sacrificial animals? Is it **not due to** the fact that the question: **Let** the mishna **not teach** that the prohibition applies to both non-sacred and sacrificial animals, is **difficult for us?** It is in response to this question that Rabbi Avin and Rabbi Meyasha stated that **even from the outset,** this **should not** pose a **difficulty for you.** Rather, **since** the phrase: Applies to both non-sacred and sacrificial animals, **is taught necessarily** with regard to the prohibition against slaughtering an animal itself and its offspring, it **is also taught needlessly** with regard to the prohibition against eating the sciatic nerve, to parallel the formula of the other mishna.

״בַּחוּלִין אֲבָל לֹא בַּמּוּקְדָּשִׁים״. אַמַּאי לֹא? דַּאֲמַר קְרָא: ״שַׁלֵּחַ תְּשַׁלַּח אֶת הָאֵם״ – בְּמִי שֶׁאַתָּה מְצוּוֶּה לְשַׁלְּחוֹ, יָצָא זֶה – שֶׁאִי אַתָּה מְצוּוֶּה לְשַׁלְּחוֹ אֶלָּא לְהָבִיאוֹ לִידֵי גִּזְבָּר.

§ The mishna states that the mitzva of sending away the mother bird from the nest applies **to non-sacred** birds, **but not to sacrificial** birds. The Gemara asks: **Why** does this mitzva **not** apply to sacrificial birds? The Gemara responds: **As the verse states: "You shall send the mother"** (Deuteronomy 22:7). The verse refers only **to** a bird **that you are commanded to send** away, i.e., a non-sacred bird; that **excludes this** sacrificial bird, **which you are not commanded to send** away, but **rather to bring it to the custody of** the Temple **treasurer.**

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אָמַר רָבִינָא: הִלְכָךְ, עוֹף טָהוֹר שֶׁהָרַג אֶת הַנֶּפֶשׁ – פָּטוּר מִשִּׁלּוּחַ. מַאי טַעְמָא? דַּאֲמַר קְרָא ״שַׁלֵּחַ תְּשַׁלַּח אֶת הָאֵם״, בְּמִי שֶׁאַתָּה מְצוּוֶּה לְשַׁלְּחוֹ, יָצָא זֶה שֶׁאִי אַתָּה מְצוּוֶּה לְשַׁלְּחוֹ אֶלָּא לְהָבִיאוֹ לְבֵית דִּין. הֵיכִי דָּמֵי? אִי דְּגָמַר דִּינֵיהּ

Ravina says: Therefore, with regard to **a kosher bird that killed a person**[H] and must now be executed, one **is exempt from sending** it away. **What is the reason** for this? It is **as the verse states: "You shall send the mother."** The verse is referring only **to** a bird **that you are commanded to send** away, which **excludes this** bird **that you are not commanded to send** away, but **rather to bring it to court.** The Gemara asks: **What are the circumstances** of this case, i.e., how is this bird that killed a person now resting on its eggs? **If** this is a case **where its verdict** of execution **was issued,**

HALAKHA

A kosher bird that killed a person – עוֹף טָהוֹר שֶׁהָרַג אֶת הַנֶּפֶשׁ: With regard to a kosher bird that killed a person, one is exempt from the mitzva of sending it away from the nest because one is required to bring it to court for judgment (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:21).

Perek **XII**
Daf **139** Amud **a**

בַּר קְטָלָא הוּא! אֶלָּא דְּלָא גָּמַר דִּינֵיהּ וּבָעֵי לַאֲתוּיֵיהּ לְבֵי דִינָא, וְקָיְימֵי בֵּיהּ ״וּבִעַרְתָּ הָרָע מִקִּרְבֶּךָ״.

it is subject to being **killed** and should have been executed. **Rather,** it must be a case **where its verdict was not** yet **issued, and** one is **required to bring it to the court to fulfill through it** the verse: **"And you shall eradicate the evil from your midst"** (Deuteronomy 13:6).[N]

הָנֵי מוּקְדָּשִׁין הֵיכִי דָּמֵי? אִילֵימָא דַּהֲוָה לֵיהּ קֵן בְּתוֹךְ בֵּיתוֹ וְאַקְדְּשֵׁיהּ – מִי מְיַחַיֵּיב? ״כִּי יִקָּרֵא קַן צִפּוֹר״ – פְּרָט לִמְזוּמָּן!

§ With regard to the statement of the mishna that sacrificial birds are not included in the mitzva of sending away the mother bird from the nest, the Gemara asks: **What are the circumstances of these sacrificial** birds discussed in the mishna? **If we say that** the mishna is referring to a case where one **had a nest in his house and consecrated it, is one obligated** to send away even a non-sacred bird in such a case? The verse states: **"If a bird's nest happens** before you on the way" (Deuteronomy 22:6), which **excludes** a nest readily **available** in one's home.

אֶלָּא דַּחֲזָא קֵן בְּעָלְמָא וְאַקְדְּשֵׁיהּ – וּמִי קָדוֹשׁ? ״אִישׁ כִּי יַקְדִּישׁ אֶת בֵּיתוֹ קֹדֶשׁ״ אָמַר רַחֲמָנָא, מַה בֵּיתוֹ – בִּרְשׁוּתוֹ, אַף כֹּל – בִּרְשׁוּתוֹ!

Rather, perhaps the mishna is referring to a case **where** one **merely saw a nest** that did not belong to him, **and he consecrated it. But** this, too, is problematic: **Is** the nest **consecrated** in such a case? But **the Merciful One states: "When a man shall sanctify his house to be holy"** (Leviticus 27:14), indicating that **just as his house** is **in his possession** when he consecrates it, **so too, any** item that one wishes to consecrate must be **in his possession**[H] when consecrating it. If so, one cannot consecrate a nest that does not belong to him.

אֶלָּא דְּאַגְבְּהִינְהוּ לָאֶפְרוֹחִים וְאַקְדְּשִׁינְהוּ, וַהֲדַר הַדְּרִינְהוּ – הַאי אֲפִילּוּ בְּחוּלִּין נַמִּי לָא מְיַחַיֵּיב, דְּתָנָא: נָטַל אֶת הַבָּנִים וְהֶחֱזִירָן לַקֵּן, וְאַחַר כָּךְ חָזְרָה הָאֵם עֲלֵיהֶן – פָּטוּר מִלְּשַׁלֵּחַ!

Rather, say that the mishna is referring to a case **where** one **lifted** the **chicks,** taking possession of them, **and** then **consecrated them, and then returned them** to the nest. But **this** too cannot be, as **even with regard to non-sacred** birds one **is not obligated** to send the mother away in such a case, **as is taught** in a mishna (141a): If one sent the mother away and **took the offspring and** then **returned them to the nest, and thereafter, the mother returned** and rested **upon them,**[H] one is **exempt from sending** the mother bird away, because he has acquired the offspring and they are now considered readily available.

HALAKHA

Just as his house is in his possession so too any item that one wishes to consecrate must be in his possession – מַה בֵּיתוֹ בִּרְשׁוּתוֹ אַף כֹּל בִּרְשׁוּתוֹ: A person cannot consecrate that which is not in his possession (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 6:22).

If one took the offspring and then returned them to the nest and thereafter the mother returned and rested upon them – נָטַל אֶת הַבָּנִים וְהֶחֱזִירָן לַקֵּן וְאַחַר כָּךְ חָזְרָה הָאֵם עֲלֵיהֶן: If one sent the mother away and took the young, and then returned the young to the nest, and the mother returned to rest upon them, he is exempt from sending the mother away again (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:7; *Shulḥan Arukh*, *Yoreh De'a* 292:5).

NOTES

Fulfill through it the verse: And you shall eradicate the evil from your midst – קִיְימֵי בֵּיהּ וּבִעַרְתָּ הָרָע מִקִּרְבֶּךָ: The early commentaries question why the mitzva of sending away the mother bird from the nest does not override the mitzva of eradicating evil from one's midst. After all, sending away the mother bird includes both a positive mitzva as well as a prohibition against taking the mother with the offspring (see Deuteronomy 22:6), while the mitzva of eradicating evil is only a positive mitzva. The Ran cites one suggestion that the positive mitzva of eradicating evil takes precedence because it is an absolute mitzva and is not dependent upon the will of the person. By contrast, the mitzva of sending away the mother bird is dependent upon one's desire to take the chicks or the eggs. If one does not wish to take the chicks or the eggs, then one need not send away the mother bird. The Ran himself though suggests that the dilemma itself is unnecessary, since one positive mitzva never overrides another, even if one of them is accompanied by a prohibition.

The later commentaries conclude, in accordance with the first answer, that the mitzva of sending away the mother bird is not an absolute requirement. Rather, it simply devolves upon one who desires to take the offspring. By contrast, one of the later commentaries views this mitzva as a requirement devolving upon anyone who happens upon a bird's nest containing a mother and her fledglings or her eggs, even if he does not desire to take the young (*Ḥavvot Ya'ir*). In fact, the early commentaries also engage in a dispute concerning this issue: Rashi and *Tosafot* (on 140b) hold that the mitzva depends upon one's desire to take the young, while the Ramban and Rashba hold that it is an absolute requirement.

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אֶלָּא דְּאַגְבַּהּ לָאֵם וְאַקְדְּשָׁהּ, וַהֲדָרָה – מֵעִיקָּרָא אִיחַיַּיב לֵיהּ בִּשִׁילּוּחַ מִקַּמֵּי דְּאַקְדְּשָׁהּ. דְּתַנְיָא, רַבִּי יוֹחָנָן בֶּן יוֹסֵי אוֹמֵר: הִקְדִּישׁ חַיָּה וְאַחַר כָּךְ שְׁחָטָהּ – פָּטוּר מִלְּכַסּוֹת, שְׁחָטָהּ וְאַחַר כָּךְ הִקְדִּישָׁהּ – חַיָּיב לְכַסּוֹת, שֶׁכְּבָר נִתְחַיֵּיב בְּכִסּוּי קוֹדֶם שֶׁיָּבֹא לִידֵי הֶקְדֵּשׁ!

The Gemara suggests: **Rather,** say that the mishna is referring to a case **where** one **lifted the mother,** taking possession of her, **and** then **consecrated her, and** thereafter **returned her** to the nest. The Gemara responds that this too cannot be, because **he was initially obligated in** the **sending** away of the mother bird **before he consecrated her.** Consequently, the consecration of the bird afterward cannot abrogate the requirement to send it away, **as it is taught** in a *baraita*: **Rabbi Yoḥanan ben Yosef says:** If one **consecrated an undomesticated animal and then slaughtered it,** he is **exempt from covering** its blood, because a consecrated animal is not subject to the obligation of covering the blood. But if he **slaughtered it and then consecrated it,**[H] he is **obligated to cover** its blood, **as he was already obligated in** the mitzva of **covering** of the blood **before it came into the possession of the Temple** treasury.

רַב אָמַר: בְּמַקְדִּישׁ פֵּירוֹת שׁוֹבְכוֹ וּמָרְדוּ, וּשְׁמוּאֵל אָמַר: בְּמַקְדִּישׁ תַּרְנְגוֹלְתּוֹ לְבֶדֶק הַבַּיִת.

Rather, **Rav says:** The mishna is referring **to** a case of one who **consecrates the fruit,** i.e., the chicks, **of his dovecote** for sacrifice on the altar, **and they** later **rebelled** and fled from the dovecote and nested elsewhere. The mishna teaches that although such birds are not considered readily available, one is exempt from sending away the mother because they are sacrificial birds. If they were non-sacred, one who finds them would be obligated to do so. **And Shmuel says:** The mishna is referring **to** a case of one who **consecrates his chicken for Temple maintenance,** and the chicken later rebelled and fled its owner's home and established a nest elsewhere.

בְּשִׁלְמָא שְׁמוּאֵל לָא אָמַר כְּרַב – דְּקָא מוֹקִים לָהּ בְּקִדְּשֵׁי בֶדֶק הַבַּיִת, אֶלָּא רַב מַאי טַעְמָא לָא אָמַר כִּשְׁמוּאֵל?

The Gemara objects: **Granted, Shmuel did not state** his explanation of the mishna **in accordance with** that of **Rav, since he interprets it** as referring even **to** birds **consecrated for Temple maintenance,** which do not have inherent sanctity. Accordingly, the mishna teaches that all consecrated birds are not included in the mitzva of sending away the mother bird. **But what is the reason** that **Rav did not state** his explanation **in accordance with** that of **Shmuel?**

אָמַר לְךָ רַב: דַּוְקָא קָפָטְרִי מִשִּׁילּוּחַ כְּגוֹן פֵּירוֹת שׁוֹבְכוֹ דְּקָדְשִׁי מִזְבֵּחַ נִינְהוּ, דְּכֵיוָן דְּקָדְשִׁי קְדוּשַּׁת הַגּוּף לָא פָּקְעָה קְדוּשָּׁתַיְיהוּ מִינַּיְיהוּ, אֲבָל בְּמַקְדִּישׁ תַּרְנְגוֹלְתּוֹ לְבֶדֶק הַבַּיִת, דְּלָאו קָדְשֵׁי מִזְבֵּחַ, דִּקְדוּשַּׁת דָּמִים בְּעָלְמָא הוּא, כֵּיוָן דְּמָרְדָה – פָּקְעָה קְדוּשָּׁתַיְיהוּ, וְחַיֶּיבֶת בְּשִׁילּוּחַ.

The Gemara responds: **Rav** could have **said to you: I specifically exempted** one **from sending** the mother bird away in a case **where** the birds are the **fruit of his dovecote, as they are consecrated for** the **altar. Since they are consecrated** with **inherent sanctity, their sanctity is not abrogated from them**[N] even when they flee from the dovecote. **But in** a case where one **consecrates his chicken for Temple maintenance, where** the chicken is **not consecrated for** the **altar but merely** has **sanctity** that inheres in its **value, once it rebels its sanctity is abrogated, and it is obligated in,** i.e., subject to, the mitzva of **sending** away the mother bird.

וּשְׁמוּאֵל אָמַר: כָּל הֵיכָא דְּאִיתֵיהּ, בְּבֵי גַּזָּא דְּרַחֲמָנָא אִיתָא, דִּכְתִיב "לַה' הָאָרֶץ וּמְלוֹאָהּ". וְכֵן אָמַר רַבִּי יוֹחָנָן: בְּמַקְדִּישׁ תַּרְנְגוֹלְתּוֹ לְבֶדֶק הַבַּיִת וּמָרְדָה. אָמַר לֵיהּ רַבִּי שִׁמְעוֹן בֶּן לָקִישׁ: וְכֵיוָן שֶׁמָּרְדָה פָּקְעָה לֵיהּ קְדוּשָּׁתָהּ! אָמַר לֵיהּ: בְּבֵי גַּזָּא דְּרַחֲמָנָא אִיתָא, דִּכְתִיב "לַה' הָאָרֶץ וּמְלוֹאָהּ".

And Shmuel could have **said:** Though it has rebelled, the chicken retains its sanctity, since **wherever it is, it is in the treasury** [*bei gazza*][L] **of the Merciful One, as it is written: "The earth is the Lord's, and its fullness thereof"** (Psalms 24:1). **And so Rabbi Yoḥanan says** that the mishna is referring **to** a case where one **consecrated his chicken for Temple maintenance, and** the chicken then **rebelled. Rabbi Shimon ben Lakish said to him: But once it rebels, its sanctity is abrogated.** Rabbi Yoḥanan **said to him:** Wherever it is, **it is in the treasury of the Merciful One, as it is written: "The earth is the Lord's, and its fullness thereof."**

HALAKHA

If he slaughtered it and then consecrated it – שְׁחָטָהּ וְאַחַר כָּךְ הִקְדִּישָׁהּ: If one slaughtered an undomesticated animal or a bird and afterward consecrated it or its blood, he is required to cover the blood, in accordance with the opinion of Rabbi Yoḥanan ben Yosef (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 14:3).

LANGUAGE

Treasury [*bei gazza*] – בֵּי גַּזָּא: This phrase, meaning: House of treasure, derives from the Persian ganz, which means treasure, with the word *bei* parallel to the Hebrew term *beit*, meaning: House of. The words *ginzakh* and *ganaz* that appear in the Bible (see, e.g., Esther 3:9, I Chronicles 28:11) are also derivatives of this word.

NOTES

Since they are consecrated with inherent sanctity their sanctity is not abrogated from them – דְּכֵיוָן דְּקָדְשֵׁי קְדוּשַּׁת הַגּוּף לָא פָּקְעָה קְדוּשָּׁתַיְיהוּ מִינַּיְיהוּ: According to Rav, there is a distinction in *halakha* here between a bird that was consecrated to be sacrificed upon the altar and a bird that was sacrificed for Temple maintenance. This difference is rooted in a similar distinction with regard to the *halakhot* of misuse of consecrated property. In that context, the prohibition against misusing an animal consecrated to be sacrificed upon the altar is due to the inherent sanctity of the animal. By contrast, the prohibition against misusing an animal consecrated for Temple maintenance is essentially a prohibition against stealing from the Temple treasury. With regard to the mitzva to send away the mother bird, the difference is as follows: A bird consecrated to be sacrificed upon the altar retains its inherent sanctity wherever it may be. By contrast, a bird consecrated for Temple maintenance is consecrated only inasmuch as it is still in the possession of the Temple treasury. Once it flees the dovecote, the Temple treasurer presumably despairs of ever recovering it, and, like any lost item whose owner despairs of recovering it, the bird becomes ownerless and is no longer consecrated. Shmuel disagrees and holds that based on the principle that wherever a consecrated item is, it is in the treasury of the Merciful One, the despair of the Temple treasurer will not take effect, just as despair of an owner of an item does not take effect if the item is still in his possession, even if he is not aware of that fact (*Kehillot Ya'akov*).

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וְרַמֵּי דְּרַבִּי יוֹחָנָן אַדְּרַבִּי יוֹחָנָן, וְרַמֵּי דְּרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אַדְּרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ.

And the Gemara **raises a contradiction** between the statement **of Rabbi Yoḥanan** here **and that of Rabbi Yoḥanan** elsewhere, **and** the Gemara **raises a contradiction** between the statement **of Rabbi Shimon ben Lakish** here **and that of Rabbi Shimon ben Lakish** elsewhere.

דְּאִיתְּמַר: ״מָנֶה זֶה לְבֶדֶק הַבַּיִת״ וְנִגְנְבוּ אוֹ נֶאֱבְדוּ, רַבִּי יוֹחָנָן אָמַר: חַיָּיב בְּאַחֲרָיוּתָן עַד שֶׁיָּבוֹאוּ לִידֵי גִּזְבָּר. וְרֵישׁ לָקִישׁ אָמַר: כָּל הֵיכָא דְּאִיתֵּיהּ – בְּבֵי גַּזָּא דְּרַחֲמָנָא אִיתֵּיהּ, דִּכְתִיב ״לַה׳ הָאָרֶץ וּמְלוֹאָהּ״. קְשָׁיָא דְּרֵישׁ לָקִישׁ אַדְּרֵישׁ לָקִישׁ, קְשָׁיָא דְּרַבִּי יוֹחָנָן אַדְּרַבִּי יוֹחָנָן!

As it **was stated:** If one declares that **these one hundred dinars** are consecrated **for Temple maintenance, and they were stolen or lost, Rabbi Yoḥanan says: He bears responsibility for them until they come into the** physical **possession of the** Temple **treasurer** [*gizbar*].[L] Consequently, he must pay one hundred dinars to the treasury. **And Reish Lakish says:** One is not required to replace the lost money, since **wherever it is, it is in the treasury of the Merciful One, as it is written: "The earth is the Lord's, and its fullness."** Accordingly, the money is considered to have entered the possession of the treasury. If so, this statement **of Reish Lakish** poses **a difficulty for** the other statement **of Reish Lakish,** and this statement **of Rabbi Yoḥanan** poses **a difficulty for** the other statement **of Rabbi Yoḥanan.**

דְּרֵישׁ לָקִישׁ אַדְּרֵישׁ לָקִישׁ לָא קַשְׁיָא, הָא מִקַּמֵּי דִּשְׁמָעֵיהּ מֵרַבִּי יוֹחָנָן רַבֵּיהּ, הָא לְבָתַר דִּשְׁמָעֵיהּ מֵרַבִּי יוֹחָנָן רַבֵּיהּ.

The Gemara responds: The apparent contradiction between this statement **of Reish Lakish** and that statement **of Reish Lakish** is **not difficult. This** statement, that the sanctity of a consecrated chicken that rebelled is abrogated, was made **before he heard** the statement **from Rabbi Yoḥanan, his teacher,** that wherever it is, it is in God's treasury. **That** statement, that one is not liable to replace the missing consecrated funds, was made **after he heard** that statement **from Rabbi Yoḥanan his teacher.**

אֶלָּא דְּרַבִּי יוֹחָנָן אַדְּרַבִּי יוֹחָנָן קַשְׁיָא! דְּרַבִּי יוֹחָנָן אַדְּרַבִּי יוֹחָנָן נַמִּי לָא קַשְׁיָא, הָא – דַּאֲמַר ״עָלַי״, הָא – דַּאֲמַר ״הֲרֵי זוֹ״.

The Gemara objects: **But** still, this statement **of Rabbi Yoḥanan** poses **a difficulty** for that statement **of Rabbi Yoḥanan.** The Gemara responds: The apparent contradiction between this statement **of Rabbi Yoḥanan** and that statement **of Rabbi Yoḥanan** is **also not difficult. This** statement, that one bears responsibility for the missing consecrated funds, is referring to a case **where** the consecrator **said:** It is incumbent **upon me** to bring one hundred dinars to the Temple treasury. In such a case, one bears responsibility for the money until it reaches the Temple treasurer. **That** statement, that a consecrated chicken that rebelled remains consecrated, is referring to a case **where** the consecrator **said: This** chicken **is** consecrated for Temple maintenance. In such a case, the sanctity is not abrogated even after the chicken flees, because wherever it is, it is in God's treasury.

מִכְּלָל דְּרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אַף עַל גַּב דַּאֲמַר ״עָלַי״ לָא מְחַיֵּיב?

The Gemara objects: If it is so that when Rabbi Yoḥanan says that one bears financial responsibility for the missing consecrated funds, he is referring to a case where one said: It is incumbent upon me, **by inference** one may conclude **that** according to **Rabbi Shimon ben Lakish,** who says that one does not bear responsibility for the money, one **does not bear** financial responsibility **even though** one **said:** It is incumbent **upon me.**

וְהָתַנְיָא: אֵיזֶהוּ נֶדֶר וְאֵיזוֹ הִיא נְדָבָה, נֶדֶר – הָאוֹמֵר ״הֲרֵי עָלַי עוֹלָה״, נְדָבָה – הָאוֹמֵר ״הֲרֵי זוֹ עוֹלָה״. וּמַה בֵּין נֶדֶר לִנְדָבָה? נֶדֶר – מֻתָּה אוֹ נִגְנְבָה אוֹ שֶׁאָבְדָה, חַיָּיב בְּאַחֲרָיוּתָהּ. נְדָבָה – מֻתָּה אוֹ נִגְנְבָה אוֹ שֶׁאָבְדָה, אֵינוֹ חַיָּיב בְּאַחֲרָיוּתָהּ!

But isn't it taught in a mishna (*Kinnim* 1:1): **Which is** the case of **a vow** offering, **and which is** the case of **a gift** offering?[H] **A vow** offering is where **one says: It is** incumbent **upon me** to bring **a burnt offering. A gift** offering is where **one says: This** animal is **a burnt offering. And what is** the difference **between a vow** offering **and a gift** offering?[H] With regard to **a vow** offering, if **it died or was stolen or lost,** one **bears** financial **responsibility for it.** With regard to **a gift** offering, if **it died or was stolen or lost,** one **does not bear** financial **responsibility for it.**

אָמַר לָךְ רֵישׁ לָקִישׁ: הָנֵי מִילֵּי קָדְשֵׁי מִזְבֵּחַ, דְּמִחוּסַּר הַקָּרְבָּה, אֲבָל קָדְשֵׁי בֶדֶק הַבַּיִת, דְּלָאו מִחוּסַּר הַקָּרְבָּה, אַף עַל גַּב דַּאֲמַר ״עָלַי״ – לָא מְחַיֵּיב.

The Gemara responds that **Reish Lakish** could have **said to you: This statement,** that one who says: It is incumbent upon me, bears financial responsibility, applies only to an item **consecrated for the altar, since** one vowed to sacrifice it as an offering and **it has not yet been sacrificed. But** with regard to an item **consecrated for Temple maintenance, which is not lacking sacrifice** on the altar, **even though** one **said:** It is incumbent **upon me,** one **does not bear** financial responsibility for it.

LANGUAGE

Treasurer [*gizbar*] – **גִּזְבָּר:** This word appears in the Bible (Ezra 1:8) and derives from the Old Persian ganzabara. Ganz means treasure, while bara is an element meaning bearer and is frequently used as a grammatical agent. The term ganzabara therefore means treasurer.

HALAKHA

Which is the case of a vow offering and which is the case of a gift offering, etc. – אֵיזֶהוּ נֶדֶר וְאֵיזוֹ הִיא נְדָבָה וכו׳: Which is the case of a vow offering, and which is the case of a gift offering? When one says: It is incumbent upon me to bring a burnt offering, or: It is incumbent upon me to bring a peace offering, or: It is incumbent upon me to bring a meal offering, or: The value of this animal is incumbent upon me to bring as a burnt offering, or: The value of this animal is incumbent upon me to bring as a peace offering, that is a case of a vow offering. But when one says: This animal is a burnt offering, or: The value of this animal shall be for a burnt offering, or: The value of this animal shall be for a peace offering, or: This tenth of an ephah is a meal offering, that is a case of a gift offering, in accordance with the mishna from tractate *Kinnim* (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 14:4).

And what is the difference between a vow offering and a gift offering, etc. – וּמַה בֵּין נֶדֶר לִנְדָבָה וכו׳: What is the difference between a vow offering and a gift offering? If the animal one selects for a vow offering is lost or stolen, one bears responsibility for it until it, or its replacement, is sacrificed upon the altar. But if the animal one selects for a gift offering is lost or stolen, one bears no responsibility for it and need not replace it, in accordance with the mishna in tractate *Kinnim* (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 14:5).

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וְהָתְנַן: הָאוֹמֵר ״שׁוֹר זֶה עוֹלָה״, ״בַּיִת זֶה קָרְבָּן״. מֵת הַשּׁוֹר, נָפַל הַבַּיִת – אֵינוֹ חַיָּיב בְּאַחֲרָיוּתָן. ״שׁוֹר זֶה עָלַי עוֹלָה״, ״בַּיִת זֶה עָלַי קָרְבָּן״. מֵת הַשּׁוֹר וְנָפַל הַבַּיִת – חַיָּיב לְשַׁלֵּם!

The Gemara objects: **But didn't we learn** in a mishna (*Arakhin* 20b) that in the case of **one who says: This bull** is consecrated as **a burnt offering, or: This house** is consecrated as **an offering,**[N] and **the bull died** or **the house collapsed, he does not bear** financial **responsibility for them;** but in the case of one who says: It is incumbent **upon me** to give **this bull** as **a burnt offering,**[N] **or:** It is incumbent **upon me** to give **this house** as **an offering,** if **the bull died** or **the house collapsed,**[H] he is **obligated to pay** its value? Evidently, even with regard to items consecrated for Temple maintenance, if one says: It is incumbent upon me, one bears financial responsibility for them.

הָנֵי מִילֵּי הֵיכָא דְּמֵת הַשּׁוֹר וְנָפַל הַבַּיִת חַיָּיב לְשַׁלֵּם – דְּלֵיתְנְהוּ, אֲבָל הֵיכָא דְּאִיתְנְהוּ, כָּל הֵיכָא דְּאִיתֵיהּ – בְּבֵי גַּוָּא דְּרַחֲמָנָא אִיתֵיהּ, דִּכְתִיב ״לַה׳ הָאָרֶץ וּמְלוֹאָהּ״.

The Gemara responds: With regard to **this statement,** that if one says: It is incumbent upon me to give an item for Temple maintenance, he bears financial responsibility, that applies only **where the bull died or the house collapsed.** In such a case **he is obligated to pay, since they no** longer **exist. But where they** still **exist,** e.g., in the case of an item or sum of money that was lost or stolen, one applies the principle: **Wherever it is, it is in the treasury of the Merciful One, as it is written: "The earth is the Lord's, and its fullness thereof."**

אָמַר רַב הַמְנוּנָא: הַכֹּל מוֹדִים בַּעֲרָכִין, אַף עַל גַּב דַּאֲמַר ״עָלַי״ – לָא מִיחַיַּיב. מַאי טַעְמָא – דְּלָא מִיתְמַר לֵיהּ בְּלָא ״עָלַי״.

§ The Gemara above cited a dispute between Rabbi Yoḥanan and Reish Lakish as to the *halakha* about one who says: It is incumbent upon me to bring an item for Temple maintenance. With regard to this dispute, **Rav Hamnuna says: Everyone concedes with regard to valuations**[B] that **even if one said:** It is incumbent **upon me** to donate my own valuation, and one set aside money that was then lost or stolen, one **does not bear** financial responsibility for it. **What is the reason** for this? It is **because it cannot be stated by him without** stating: **Upon me.** In other words, one cannot say: This is my valuation, since he has yet to accept upon himself any such obligation.

הֵיכִי לֵימָא? לֵימָא ״עֶרְכִּי״ – אַמַּאן? לֵימָא ״עֶרֶךְ פְּלוֹנִי״ – אַמַּאן?

Therefore, although one says: It is incumbent upon me to donate my valuation, this is not considered an acceptance of financial responsibility. After all, **how shall he say** it without stating: It is incumbent upon me? **Shall he say** only: **My own valuation,** without: Is incumbent upon me? If so, **upon whom** is the obligation placed to pay the money? Or **shall he say** only: **The valuation of so-and-so?** Still, **upon whom** is the obligation placed to pay the money?

מַתְקִיף לָהּ רָבָא: לֵימָא ״הֲרֵינִי בְּעֶרְכִּי״, ״הֲרֵינִי בְּעֶרֶךְ פְּלוֹנִי״! וְעוֹד, תַּנְיָא, רַבִּי נָתָן אוֹמֵר: ״וְנָתַן אֶת עֶרְכְּךָ בַּיּוֹם הַהוּא קֹדֶשׁ לַה׳״ – מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁמָּצִינוּ בְּהֶקְדֵּשׁוֹת וּמַעֲשְׂרוֹת – שֶׁמִּתְחַלְּלִין עַל מָעוֹת שֶׁבְּחוּלִין, נִגְנְבוּ אוֹ שֶׁאָבְדוּ – אֵינָן חַיָּיבִין בְּאַחֲרָיוּתָן,

Rava objects to this: Let him say: I am encumbered **with my own valuation,** or: **I am** encumbered **with the valuation of so-and-so.** One need not say: Is incumbent upon me. **Additionally, it is taught** in a *baraita* with regard to the redemption of a purchased field that was consecrated that **Rabbi Natan says** about the verse: "Then the priest shall reckon for him the worth of your valuation until the Jubilee Year, **and he shall give your valuation on that day, as a consecrated thing to the Lord"** (Leviticus 27:23): **Why** must **the verse state:** "And he shall give your valuation"? It could have stated simply: And he shall give it. It is necessary **because we have found with regard to consecrated** property **and tithes that they can be desacralized** by transferring their sanctity **onto non-sacred money,** and that if that money **was stolen or lost,** the owners **do not bear** financial **responsibility for it.**

NOTES

This house is an offering – בַּיִת זֶה קָרְבָּן: In other words, this house is consecrated for Temple maintenance. Rashi notes that items consecrated for Temple maintenance are also referred to as offerings, as the verse states: "And we have brought the Lord's offering, what every man has gotten, of jewels of gold" (Numbers 31:50).

It is incumbent upon me to give this bull as a burnt offering, etc. – שׁוֹר זֶה עָלַי עוֹלָה וכו׳: Rashi explains that although one refers to a specific bull or a specific house, this is not considered a gift offering, because one also says: Upon me. His statement is therefore understood as an acceptance of financial responsibility.

HALAKHA

If the bull died or the house collapsed – מֵת הַשּׁוֹר וְנָפַל הַבַּיִת: If one says: The monetary value of this bull is incumbent upon me to bring as a burnt offering, or: The monetary value of this house is incumbent upon me to bring as an offering, and the bull died or the house collapsed, he bears financial responsibility to pay its value, in accordance with the mishna in tractate *Arakhin* and the explanation of the Gemara there (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 14:6).

BACKGROUND

Valuations – עֲרָכִין: A valuation is a special type of consecration mentioned in the Torah by which a fixed sum is given for each individual in accordance with their age and sex, regardless of their importance or actual monetary worth as a slave. If one says: I am obligated in the valuation of my hand, he has not said anything of consequence, as only a whole person has a valuation. By contrast, one can vow to consecrate the monetary value of a hand or foot to the Sanctuary. Notwithstanding that distinction, if one obligates himself in the valuation of a part of the body upon which life depends, e.g., if he says: I am obligated in the valuation of my head, it is as though he has obligated himself in the valuation of the entire person, as one cannot live without a head. The valuations appear in Leviticus 27:1–8 and are discussed in depth in tractate *Arakhin*.

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יָכוֹל אַף זֶה כֵּן – תַּלְמוּד לוֹמַר ״וְנָתַן אֶת הָעֶרְכֶּךָ״ וגו׳, חוּלִין עַד שֶׁיָּבֹאוּ לְיֵדֵי גִּזְבָּרוּת!

One **might** have thought that with regard to **this** valuation **too,** the *halakha* should be **so,** i.e., if money from a valuation is stolen or lost, the owner does not bear financial responsibility for it. Therefore, **the verse states: "And he shall give your valuation**[N] on that day," indicating that the valuation money is **non-sacred until it enters the possession of** the Temple **treasurer,** and that the owner bears responsibility for it until that time. Evidently, even with regard to valuations, the consecrator bears financial responsibility, in contradiction to the statement of Rav Hamnuna.

אֶלָּא, אִי אִיתְּמַר הָכִי אִיתְּמַר, אָמַר רַב הַמְנוּנָא: הַכֹּל מוֹדִים בַּעֲרָכִין, דְּאַף עַל גַּב דְּלָא אֲמַר ״עָלַי״ – מִיחַיַּיב, דִּכְתִיב ״וְנָתַן אֶת הָעֶרְכֶּךָ״ – חוּלִין הֵן בְּיָדָךְ עַד שֶׁיָּבֹאוּ לְיֵדֵי גִּזְבָּר.

Rather, if a statement **was stated, this** is what **was stated: Rav Hamnuna says** that **everyone concedes with regard to valuations that even if** one **did not say:** It is incumbent **upon me,**[H] one **bears** financial responsibility for it, **as it is written: "And he shall give your valuation,"** indicating that the valuation money is **non-sacred until it enters the possession of** the Temple **treasurer.**

״חוֹמֶר בִּכְסוּי״ וכו׳. תָּנוּ רַבָּנָן: ״כִּי יִקָּרֵא קֵן צִפּוֹר לְפָנֶיךָ״ – מַה תַּלְמוּד לוֹמַר?

§ The mishna states: There are more **stringent** elements **in the covering** of the blood than in the sending away of the mother from the nest, as the covering of the blood applies to undomesticated animals and birds, to animals and birds that are readily available in one's home, and to animals and birds that are not readily available; and the sending of the mother from the nest applies only to birds that are not readily available. With regard to the mitzva of sending away the mother, **the Sages taught** in a *baraita*: The verse states: **"If a bird's nest happens before you** on the way, in any tree or on the ground, with fledglings or eggs, and the mother is resting upon the fledglings, or upon the eggs, you shall not take the mother with the young; you shall send the mother, but the young you may take for yourself" (Deuteronomy 22:6–7). **What** is the meaning when **the verse states** all the various details contained in it?

לְפִי שֶׁנֶּאֱמַר ״שַׁלֵּחַ תְּשַׁלַּח אֶת הָאֵם וְאֶת הַבָּנִים תִּקַּח לָךְ״, יָכוֹל יַחֲזוֹר בֶּהָרִים וּגְבָעוֹת כְּדֵי שֶׁיִּמְצָא קֵן? תַּלְמוּד לוֹמַר ״כִּי יִקָּרֵא״ – בַּמְּאוּרָע לְפָנֶיךָ.

Since it is stated: "You shall send [*shalle'aḥ teshallaḥ*] **the mother, but the young you may take for yourself,"** one **might** have thought that the doubled verb *"shalle'aḥ teshallaḥ"* indicates that one must **search** even **in the mountains and hills in order to find a nest** with which to perform this mitzva. Therefore, **the verse states: "If** a bird's nest **happens,"** indicating that one is obligated to send away the mother only **when it confronts you;**[N] one is not required to seek out a nest.

״קֵן״ – מִכָּל מָקוֹם. ״צִפּוֹר״ – טְהוֹרָה וְלֹא טְמֵאָה. ״לְפָנֶיךָ״ – בִּרְשׁוּת הַיָּחִיד. ״בַּדֶּרֶךְ״ – בִּרְשׁוּת הָרַבִּים. בָּאִילָנוֹת מִנַּיִן – תַּלְמוּד לוֹמַר ״בְּכָל עֵץ״. בַּבּוֹרוֹת שִׁיחִין וּמְעָרוֹת מִנַּיִן – תַּלְמוּד לוֹמַר ״אוֹ עַל הָאָרֶץ״.

The *baraita* continues: The word **"nest"** indicates that this mitzva applies **in any case,** even to a nest with only a single chick or egg. The word **"bird's"** indicates that the mitzva applies only to **kosher** birds, **and not** to **non-kosher** birds. The term **"before you"** indicates that the mitzva applies to a nest that is **on private property,** e.g., an unguarded orchard or field, such that the owner's property does not acquire the nest for him. The term **"on the way"** indicates that the mitzva also applies to a nest found **in a public thoroughfare. From where** is it derived that the mitzva also applies to nests found **in trees? The verse states: "In any tree."** And with regard to nests found **in pits,**[H] **ditches, and caves,**[B] **from where** is it derived that the mitzva also applies to them? **The verse states: "Or on the ground,"** indicating that the mitzva applies to a nest on any type of ground.

HALAKHA

With regard to valuations that even if one did not say: It is incumbent upon me – בַּעֲרָכִין...דְּלָא אֲמַר עָלַי: If one designates money for a donation of his valuation or his monetary value to the Temple treasury, and the money was stolen or lost, even if the consecrator did not say: It is incumbent upon me, he bears financial responsibility for it until it reaches the possession of the Temple treasurer, in accordance with the opinion of Rav Hamnuna (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 3:13).

Before you…on the way…in trees…in pits – ...לְפָנֶיךָ...בַּדֶּרֶךְ...בָּאִילָנוֹת...בַּבּוֹרוֹת: If one finds a nest anywhere, whether in a tree, or on the ground, or in pits, ditches, or caves, or in the sea, or on a person's head, or on the head of an animal, whether this occurs in the public domain or the private domain, he is obligated to send the mother bird away (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 292:3).

NOTES

Therefore the verse states: And he shall give your valuation – תַּלְמוּד לוֹמַר וְנָתַן אֶת הָעֶרְכֶּךָ: The primary subject of this verse is the value of a purchased field, as evident from the beginning of the verse: "And if he sanctify unto the Lord a field which he has bought, which is not an ancestral field; then the priest shall reckon for him the worth of the valuation up to the Jubilee Year, and he shall give the valuation on that day, as a consecrated thing to the Lord" (Leviticus 27:22–23). Nevertheless, the second part of the verse, where the word "valuation" is mentioned for the second time, is referring to one who vows to donate the valuation of his person (Rashi).

If a bird's nest happens, when it confronts you – כִּי יִקָּרֵא...בַּמְּאוּרָע לְפָנֶיךָ: One of the later commentaries understands this to mean that if one does encounter a bird's nest, the mitzva of sending away the mother bird devolves upon him even if he does not desire to take the young (*Ḥavvot Ya'ir*). Others disagree with this and explain that the phrase "if a bird's nest happens" simply precludes any requirement to search for such a nest in order to fulfill this mitzva at least once in a lifetime. Nevertheless, this applies only to one who desires to take the young, but one who does not desire to take the young is exempt from sending away the mother in any case (*Ḥazon Ish*).

BACKGROUND

Pits, ditches, and caves – בּוֹרוֹת שִׁיחִין וּמְעָרוֹת: The difference between these terms is that a pit is narrow and circular, a ditch is long and narrow, and a cave resembles a pit with a roof.



Opening to ancient pit in Yatir Forest

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וְכִי מֵאַחַר שֶׁסּוֹפֵנוּ לְרַבּוֹת כָּל דָּבָר, "לְפָנֶיךָ בַּדֶּרֶךְ" לָמָּה לִי? לוֹמַר לְךָ: מַה דַּרְכּוֹ – שֶׁאֵין קִנּוֹ בְּיָדֶךָ, אַף כָּל – שֶׁאֵין קִנּוֹ בְּיָדֶךָ. מִכָּאן אָמְרוּ: יוֹנֵי שׁוֹבָךְ וְיוֹנֵי עֲלִיָּיה שֶׁקִּנְּנוּ בַּסְּפִיחִין וּבַבִּירוֹת, וְאַוָּזִין וְתַרְנְגוֹלִין שֶׁקִּנְּנוּ בַּפַּרְדֵּס – חַיָּיב בְּשִׁילּוּחַ. אֲבָל קִנְּנוּ בְּתוֹךְ הַבַּיִת, וְכֵן יוֹנֵי הַרְדְּסִיאוֹת – פָּטוּר מִשִּׁילּוּחַ.

The *baraita* continues: **And since, in the end, we will include everything,** i.e., every location of the nest, from the verse: "In any tree or on the ground," **why do I** need the earlier statement: **"Before you on the way"?** It is **to say to you: Just as** a nest on the **way** is a case in **which** the bird's **nest is not in your possession** and is not readily available for you, **so too,** with regard to **all** other cases, one is obligated only **when its nest is not in your possession. From here** the Sages **stated:** With regard to **pigeons of a dovecote**[B] **or pigeons of an attic that nested in** small **wall niches or in buildings, and geese or chickens that nested**[H] **in an orchard, one is obligated in** the mitzva of **sending** the mother bird away, because such birds are not in one's possession. **But** with regard to birds that **nested inside the house, and likewise** with regard to **domesticated pigeons, one is exempt from** the mitzva of **sending** the mother bird away.

אָמַר מָר: מַה דַּרְכּוֹ – שֶׁאֵין קִנּוֹ בְּיָדֶךָ, אַף כָּל – שֶׁאֵין קִנּוֹ בְּיָדֶךָ. הָא לָמָּה לִי? מִ"כִּי יִקָּרֵא" נָפְקָא – כִּי יִקָּרֵא פָּרָט לַמְּזוּמָּן! וְעוֹד, "לְפָנֶיךָ" לָמָּה לִי?

§ The Gemara analyzes the above *baraita*: **The Master said: Just as** a nest on the **way** is a case in **which** the bird's **nest is not in your possession, so too,** with regard to **all** other cases, one is obligated only **when its nest is not in your possession.** The Gemara asks: **Why do I** need **this** derivation? **It** may be **derived from: "If** a bird's nest **happens,"** as it is taught: **"If** a bird's nest **happens" excludes** a nest that is readily **available. And furthermore, why do I** need the term **"before you"** to include even a nest found on private property? It is already derived from the verse: "In any tree or on the ground."

אֶלָּא "לְפָנֶיךָ" – לַאֲתוּיֵי שֶׁהָיוּ לְפָנֶיךָ וּמָרְדוּ. "בַּדֶּרֶךְ" – כִּדְרַב יְהוּדָה אָמַר רַב, דַּאֲמַר רַב יְהוּדָה אָמַר רַב: מָצָא קֵן בַּיָּם – חַיָּיב בְּשִׁילּוּחַ, שֶׁנֶּאֱמַר "כֹּה אָמַר ה' הַנּוֹתֵן בַּיָּם דֶּרֶךְ" וגו'.

Rather, the term **"before you"** is necessary **to include** a case **where** the birds **were before you,** i.e., they had an owner and were readily available to him, **and** they then **rebelled** and fled and nested elsewhere. **"On the way"** is necessary for **that which Rav Yehuda** said that **Rav said, as Rav Yehuda said** that **Rav said:** If one **found a nest in the sea,**[H] e.g., in a case where a tree was washed out to sea with a nest in its branches, one **is obligated in** the mitzva of **sending** the mother bird away, **as it is stated: "So said the Lord, who makes a way in the sea,** and a path in the mighty waters" (Isaiah 43:16). The term "way" applies even to the sea.

אֶלָּא מֵעַתָּה מָצָא קֵן בַּשָּׁמַיִם, דִּכְתִיב "דֶּרֶךְ נָשֶׁר בַּשָּׁמָיִם", הָכִי נַמִּי דִּמְיחַיַּיב בְּשִׁילּוּחַ הַקֵּן! "דֶּרֶךְ נָשֶׁר" אִיקְרִי, "דֶּרֶךְ" סְתָמָא לָא אִיקְרִי.

The Gemara challenges: **If that is so,** then if **one found a nest in the sky,** e.g., in a case where a bird carries the nest as it flies, about **which it is written: "The way of an eagle in the sky"** (Proverbs 30:19), one should **also be obligated in** the mitzva of **sending** away the mother bird from **the nest.** The Gemara responds: The sky **is called "the way of an eagle,"** but **it is not called: A way,** in **an unspecified** manner. The sea, by contrast, is referred to simply as: A way.

BACKGROUND

Pigeons of a dovecote – יוֹנֵי שׁוֹבָךְ: In the period of the Mishna and the Gemara there were several methods of caring for doves and pigeons. There were *yonei hadrisei'ot*, or *hardisei'ot*, which were completely domesticated pigeons, whose food and other provisions were the responsibility of their owner. The majority of doves and pigeons were called: Pigeons of a dovecote. They were birds that nested in dovecotes built by their owner in his house or courtyard. These birds were accustomed to roam around on their own during the day, and they found food for themselves. They were essentially wild birds that nested in the household of the person who was considered their owner, who from time to time would seize some of the adult birds or the young for his sustenance or sacrificial needs. Due to the owner's minimal control over the birds, the ownership was valid only by rabbinic ordinance for the benefit of society, but was not valid by Torah law.

HALAKHA

Pigeons of a dovecote or pigeons of an attic that nested in small wall niches or in buildings, and geese or chickens that nested, etc. – יוֹנֵי שׁוֹבָךְ וְיוֹנֵי עֲלִיָּיה שֶׁקִּנְּנוּ בַּסְּפִיחִין וּבַבִּירוֹת וְאַוָּזִין וְתַרְנְגוֹלִין שֶׁקִּנְּנוּ וכו': The mitzva of sending away the mother bird from the nest applies only to a kosher bird that is not readily available, such as pigeons from a dovecote or an attic, and birds that nested in an orchard. If one encounters birds that are readily available, such as geese or chickens or pigeons that nested in the house, he is not obligated to send away the mother (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 292:1–2).

If one found a nest in the sea – מָצָא קֵן בַּיָּם: If one found a nest in the sea he is obligated to send away the mother bird, in accordance with the opinion of Rav as cited by Rav Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 292:3).

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אָמְרִי לֵיהּ פַּפּוּנָאֵי לְרַב מַתָּנָה: מָצָא קֵן בִּרֹאשׁוֹ שֶׁל אָדָם מַהוּ? אַמַּאי: ״וְאֲדָמָה עַל רֹאשׁוֹ״. מֹשֶׁה מִן הַתּוֹרָה מְנַיִן? ״בְּשַׁגַּם הוּא בָשָׂר״.

§ **The** residents **of Pappunya**[B] **said to Rav Mattana:** If one **found a nest on the head of a person,**[H] **what is** the *halakha* with regard to the mitzva of sending away the mother? Is the nest considered to be on the ground, such that one is obligated in the mitzva? Rav Mattana **said** to them that one is obligated in the mitzva in such a case because the verse states: **"And earth upon his head"** (II Samuel 15:32), rather than: Dirt upon his head, indicating that one's head is considered like the ground. They also asked Rav Mattana: **From where in the Torah** is the existence of **Moses** [***Moshe***] alluded to before his birth? He replied that the verse states: **"For that he also** [***beshaggam***] **is flesh;** therefore shall his days be one hundred and twenty years" (Genesis 6:3). The numerical value of *beshaggam* is the same as that of the Hebrew name *Moshe*, and it is known that Moses lived a total of 120 years (see Deuteronomy 34:7).

הָמָן מִן הַתּוֹרָה מְנַיִן? ״הֲמִן הָעֵץ״.

They also asked Rav Mattana: **From where in the Torah** can one find an allusion to the hanging of **Haman?** He replied: The verse states after Adam ate from the tree of knowledge: **"Have you eaten of** [***hamin***] **the tree,** about which I commanded you that you should not eat?" (Genesis 3:11). *Hamin* is spelled in the same manner as Haman: *Heh*, *mem*, *nun*.

אֶסְתֵּר מִן הַתּוֹרָה מְנַיִן? ״וְאָנֹכִי הַסְתֵּר אַסְתִּיר״. מָרְדְּכַי מִן הַתּוֹרָה מְנַיִן? דִּכְתִיב ״מָר דְּרוֹר״ וּמְתַרְגְּמִינַן: מִירָא דָּכְיָא.

They also asked Rav Mattana: **From where in the Torah** can one find an allusion to the events involving **Esther?** He replied to them that the verse states: "Then My anger shall be kindled against them on that day, and I will forsake them, and I will hide My face from them, and they shall be devoured, and many evils and troubles shall come upon them; so that they will say in that day: Have not these evils come upon us because our God is not among us? **And I will hide** [***haster astir***] My face on that day for all the evil which they shall have wrought, in that they are turned to other gods" (Deuteronomy 31:17–18). They also asked him: **From where in the Torah** can one find an allusion to the greatness bestowed upon **Mordecai?** He replied: **As it is written** with regard to the anointing oil in the Tabernacle: "And you shall also take the chief spices, of **flowing myrrh** [***mor deror***]" (Exodus 30:23); **and we translate** *mor deror* into Aramaic as: ***Mira dakhya,*** which resembles the name Mordecai.

״וְאֵיזֶהוּ שֶׁאֵינוֹ מְזוּמָּן״ וכו׳. רַבִּי חִיָּיא וְרַבִּי שִׁמְעוֹן. חַד תָּנֵי הַדַּרְסִיאוֹת, וְחַד תָּנֵי הַרְדְּסִיאוֹת. מַאן דְּתָנֵי הַרְדְּסִיאוֹת – עַל שֵׁם הוֹרְדוֹס, וּמַאן דְּתָנֵי הַדַּרְסִיאוֹת – עַל שֵׁם מְקוֹמָן.

§ The mishna states: **And which** are considered birds **that are not** readily **available?** They are any birds such as geese or chickens that nested in the orchard. But if the geese or chickens nested in the house, one is exempt from sending them away, and likewise with regard to domesticated pigeons. The Gemara relates: With regard to the correct name of the domesticated pigeons referred to in the mishna, **Rabbi Ḥiyya and Rabbi Shimon** disagree. **One teaches** that the correct name is *yonei* ***hadrisei'ot,*** **and** the other **one teaches** that the correct name is *yonei* ***hardisei'ot.*** According to the **one who teaches** that the correct name is *yonei* ***hardisei'ot,*** they are called so **on account of** King **Herod,** who was involved in breeding these pigeons; **and** according to the **one who teaches** that the correct name is *yonei* ***hadrisei'ot,*** they are called so **on account of their location.**

אֲמַר רַב כָּהֲנָא: לְדִידִי חֲזָיִין, וְקָיְימָן שִׁיתְסַר דָּרֵי בְּפָתֵי מִילָא, וַהֲוָה קָרָא ״קִירִי קִירִי״. חֲדָא חַד מִינַּייהוּ דְּלָא הֲוָה קָרֵי ״קִירִי קִירִי״, אָמְרָה לָהּ חַבְרָתָהּ: סוּמָא, אִמְרִי ״קִירִי קִירִי״! אָמְרָה: סוּמָא, אִמְרִי ״קִירִי בִּירִי״! אַתְיוּהָ וּשְׁחָטוּהָ.

Rav Kahana said: I myself saw these pigeons, **and they** were **standing** in **sixteen rows,** each a ***mil***[B] **wide, and they were calling** out: **My master, my master. There was one of them who was not calling** out: **My master, my master. Another** one **said to it: Blind** one, i.e., fool, **say: My master, my master,** so that you will not be punished for refusing to acknowledge the authority of the king. The pigeon **said** in response: **Blind** one, you should **say: My master, my slave,** as Herod is not a king but a slave. **They brought** that pigeon to a slaughterhouse **and slaughtered it** for speaking against the king.

אֲמַר רַב אַשִׁי, אֲמַר לִי [רַבִּי] חֲנִינָא: מִילִּין. מִילִּין סָלְקָא דַּעְתָּךְ? אֶלָּא אֵימָא: בְּמִילִּין.

Rav Ashi said: Rabbi Ḥanina said to me: This story is no more than mere **words,** as no such incident took place. The Gemara asks: Can it **enter your mind** that Rabbi Ḥanina dismisses as mere **words** an incident reported by Rav Kahana? **Rather, say** that Rabbi Ḥanina said that those pigeons acted as described above **through words** of witchcraft.

BACKGROUND

Residents of Pappunya – פַּפּוּנָאֵי: These are the inhabitants of the city of Pappunya in Babylonia. Pappunya was located between Pumbedita and Meḥoza, and its name possibly derives from the river Pappa. This is the city in which the Sages Rav Mattana and Rav Aḥa lived. In fact, Rav Aḥa is sometimes called: One of Pappunya, for that reason (*Bava Kamma* 54b).

***Mil* – מִיל:** The talmudic *mil* is a unit of distance related, but not identical, to the Roman mile, from which it received its name. One *mil* equals 2,000 cubits. This is equivalent to 960 m according to Rav Ḥayyim Na'e, and 1,150 m according to the Ḥazon Ish.

HALAKHA

If one found a nest on the head of a person – מָצָא קֵן בִּרֹאשׁוֹ שֶׁל אָדָם: If one found a nest on the head of a person, he is obligated to send away the mother, in accordance with the opinion of Rav as cited by Rav Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 292:3).

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״עוֹף טָמֵא פָּטוּר מִלְּשַׁלֵּחַ״. מְנָהֲנֵי מִילֵּי? אֲמַר רַבִּי יִצְחָק: דַּאֲמַר קְרָא ״כִּי יִקָּרֵא קַן צִפּוֹר לְפָנֶיךָ״. ״עוֹף״ – מַשְׁמַע לָן בֵּין טָהוֹר בֵּין טָמֵא. ״צִפּוֹר״ – טָהוֹר אַשְׁכַּחַן דְּאִיקְרִי ״צִפּוֹר״, טָמֵא לָא אַשְׁכַּחַן דְּאִיקְרִי ״צִפּוֹר״.

§ The mishna states: If one encounters a nest of **a non-kosher bird,** one is **exempt from sending** away the mother bird. The Gemara asks: **From where is this matter** derived? **Rabbi Yitzḥak said: As the verse states: "If a bird's** [*tzippor*] **nest happens before you"** (Deuteronomy 22:6), and not: If a bird's [*of*] nest happens before you. The word ***of* indicates to us** that all birds are included, **whether kosher or non-kosher.** But with regard to the word ***tzippor*, we have found** that **a kosher** bird **is called a *tzippor*,** but **we have not found** that **a non-kosher** bird **is called a *tzippor*.**

תָּא שְׁמַע: ״תַּבְנִית כָּל צִפּוֹר כָּנָף״, מַאי לָאו: ״צִפּוֹר״ – בֵּין טָהוֹר בֵּין טָמֵא, ״כָּנָף״ – חֲגָבִים! לָא ״צִפּוֹר״ – טָהוֹר, ״כָּנָף״ – טָמֵא וַחֲגָבִים.

The Gemara attempts to reject the above assertion: **Come** and **hear** that which is stated in the verse with regard to the prohibition against fashioning idols: **"The likeness of any winged bird** [***tzippor***]" (Deuteronomy 4:17). **What, is it not** that the word "***tzippor***" is referring to any bird, **whether kosher or non-kosher,** and the word "**winged**" adds the likeness of **grasshoppers** to the prohibition? If so, we have found that a non-kosher bird is called a *tzippor*. The Gemara rejects this: **No,** the word "***tzippor***" means **a kosher** bird, while the word "**winged**" is referring to **non-kosher** birds **and** to **grasshoppers.**

תָּא שְׁמַע: ״הַחַיָּה וְכָל בְּהֵמָה רֶמֶשׂ וְצִפּוֹר כָּנָף״. מַאי לָאו: ״צִפּוֹר״ – בֵּין טָהוֹר בֵּין טָמֵא, וְ״כָּנָף״ – חֲגָבִים? לָא, ״צִפּוֹר״ – טָהוֹר, ״כָּנָף״ – טָמֵא וַחֲגָבִים.

The Gemara suggests: **Come** and **hear** that which is stated in the passage describing how all of creation praises God: **"The undomesticated animal and all domesticated animals, creeping things and winged birds** [***tzippor***]" (Psalms 148:10). **What, is it not** that the word "***tzippor***" is referring to all birds, **whether kosher or non-kosher, and** the word "**winged**" is referring to **grasshoppers?** The Gemara rejects this: **No,** the word "***tzippor***" means **a kosher** bird, while the word "**winged**" is referring to **non-kosher** birds **and** to **grasshoppers.**

תָּא שְׁמַע: ״כֹּל צִפּוֹר כָּל כָּנָף״, מַאי לָאו כִּדְמַקְשִׁינַן? לָא, כִּדְמְשַׁנֵּינַן.

The Gemara suggests: **Come** and **hear** that which is stated in the verse about the animals that entered Noah's ark: **"Every bird** [***tzippor***] **of every type of wing"** (Genesis 7:14). **What, is it not** the same **difficulty that we posed** previously, that the word "*tzippor*" is referring to all birds, kosher and non-kosher, and the word "wing" is referring to grasshoppers? The Gemara rejects this as well: **No,** it is actually **as we resolved** it, that the word "*tzippor*" is referring only to kosher birds, and the word "wing" is referring to non-kosher birds and to grasshoppers.

תָּא שְׁמַע ״וְאַתָּה בֶּן אָדָם...אֱמֹר לְצִפּוֹר כָּל כָּנָף״, מַאי לָאו כִּדְאַקְשִׁינַן? לָא, כִּדְשַׁנֵּינַן.

The Gemara suggests: **Come** and **hear** that which is stated in the passage describing the war of Gog and Magog: **"And you, son of man,** so said the Lord God: **Speak to the birds** [***tzippor***] **of every type of wing,** and to every animal of the field: Assemble yourselves, and come" (Ezekiel 39:17). **What, is it not** the same **difficulty that we posed** previously? The Gemara responds: **No,** it is actually **as we resolved** it.

תָּא שְׁמַע:

The Gemara suggests: **Come** and **hear** that which is

Perek **XII**
Daf **140** Amud **a**

״וּבַעֲנָפוֹהִי יְדוּרָן צִפֳּרֵי שְׁמַיָּא״! ״צִפֳּרֵי שְׁמַיָּא״ – אִיקְרוּ, ״צִפֳּרֵי״ סְתָמָא לָא אִיקְרוּ.

stated in the verse describing a tree: **"And in its branches will dwell the birds** [***tzipparei***] **of the heaven"** (Daniel 4:9). The verse states only: "The birds [*tzipparei*]," and not: The birds of any type of wing. Accordingly, the term "the birds [*tzipparei*]" must be referring to all birds, whether kosher or non-kosher, since all birds dwell in tree branches. The Gemara rejects this: Non-kosher birds **are called: Birds** [***tzipparei***] **of the heaven,** but **they are not called: *Tzipparei*,** in **an unspecified** manner.

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תָּא שְׁמַע: ״כָּל צִפּוֹר טְהוֹרָה״ – מִכְּלָל דְּאִיכָּא טְמֵאָה! לָא, מִכְּלָל דְּאִיכָּא אֲסוּרָה.

The Gemara suggests: **Come** and **hear** that which is stated in the passage discussing kosher and non-kosher animals: **"Every kosher bird** [***tzippor***] you may eat" (Deuteronomy 14:11). Since it was necessary for the verse to specify that it is referring to a kosher bird [*tzippor*], **by inference,** one may conclude **that there is a non-kosher** bird [*tzippor*], in contradiction to the statement of Rabbi Yitzḥak. The Gemara rejects this: **No,** this is not the correct inference. Rather, **by inference** one may conclude **that there is** a *tzippor* that is **prohibited** for consumption, despite its being a kosher bird.

מַאי הִיא? אִי טְרֵפָה – בְּהֶדְיָא כְּתִיב! וְאִי בִּשְׁחוּטָה דִּמְצוֹרָע – מִסֵּיפָא דִּקְרָא נָפְקָא, ״וְזֶה אֲשֶׁר לֹא תֹאכְלוּ מֵהֶם״ – לְרַבּוֹת שְׁחוּטַת מְצוֹרָע!

The Gemara asks: **What is** this kosher bird whose prohibition must be derived from this verse? **If** it is a bird **with a wound that will cause it to die within twelve months** [***tereifa***], that would be superfluous, as that **is written explicitly** in the verse: "An unslaughtered animal carcass, or a *tereifa*, he shall not eat" (Leviticus 22:8). **And if** it is referring **to the slaughtered** bird from the purification ritual **of a leper,** which is prohibited for consumption despite being kosher, that would also be superfluous, since it **is derived from the latter clause of the verse** in Deuteronomy, as the verse states: **"But these are they of which you shall not eat"** (Deuteronomy 14:12), which serves **to include the slaughtered** bird **of the leper.**

לְעוֹלָם בִּשְׁחוּטָה דִּמְצוֹרָע, וְלַעֲבוֹר עָלָיו בַּעֲשֵׂה וּבְלֹא תַּעֲשֶׂה. וְלוֹקֶמֶה בִּטְרֵפָה, וְלַעֲבוֹר עָלָיו בַּעֲשֵׂה וְלֹא תַּעֲשֶׂה! דָּבָר הַלָּמֵד מֵעִנְיָנוֹ, וּבְעִנְיָנָא דִּשְׁחוּטָה כְּתִיב.

The Gemara responds: **Actually,** the verse: "Every kosher bird you may eat," is referring **to the slaughtered** bird **of a leper,**[N] **and** the verse indicates that one **transgresses** the **positive mitzva** of: "You may eat," in addition to the **prohibition** of: "But these are they of which you shall not eat," **on account of it.** The Gemara objects: **But** why not **interpret** the verse as referring **to a *tereifa,*** and explain that the verse teaches that one **transgresses a positive mitzva and a prohibition on account of it?** The Gemara responds: The verse should be interpreted as referring to the slaughtered bird of a leper, since it is **a matter derived from its context,** as that verse **is written in the context of a slaughtered** bird. By contrast, a *tereifa* is not properly slaughtered, and interpreting the verse in that manner does not fit the context.

תָּא שְׁמַע: ״שְׁתֵּי צִפֳּרִים חַיּוֹת״, מַאי ״חַיּוֹת״? לָאו שֶׁחַיּוֹת בְּפִיךָ, מִכְּלָל דְּאִיכָּא לָאו שֶׁחַיּוֹת בְּפִיךָ! לָא, מַאי ״חַיּוֹת״ – שֶׁחַיִּין רָאשֵׁי אֵבָרִים שֶׁלָּהֶן.

The Gemara suggests: **Come** and **hear** that which is stated in the passage discussing the purification ritual of a leper: "Then shall the priest command to take for him that is to be cleansed **two living birds** [***tzipporim***] that are kosher" (Leviticus 14:4). Since the birds are obviously alive before the purification ritual begins, **what** is the meaning of the word **"living"?** Is it **not that they are living in your mouth,** i.e., permitted for consumption? If so, **by inference,** one may conclude **that there are** birds [*tzipporim*] **that are not living in your mouth,** i.e., that are not kosher. The Gemara rejects this: **No,** that is not its meaning. Rather, **what** is the meaning of the word **"living"?** It means **that their extremities are living,** i.e., attached to their bodies. The verse indicates that the kosher birds must have all their limbs attached to their bodies in order to be used in the purification ritual.

תָּא שְׁמַע מִסֵּיפָא: ״טְהוֹרוֹת״ – מִכְּלָל דְּאִיכָּא טְמֵאוֹת! לָא, מִכְּלָל דְּאִיכָּא טְרֵפוֹת.

The Gemara suggests: **Come** and **hear** a proof **from the latter clause** of that verse: "Two living birds [*tzipporim*] that are **kosher.**" Since it was necessary for the verse to specify that it is referring to kosher birds, **by inference** one may conclude **that there are non-kosher** birds, in contradiction to the statement of Rabbi Yitzḥak. The Gemara rejects this: **No,** that is not the correct inference. Rather, **by inference** one may conclude **that there are** other birds of kosher species that may not be used for this ritual, i.e., ***tereifot.***

NOTES

Referring to the slaughtered bird of a leper – בִּשְׁחוּטָה דִּמְצוֹרָע: The purification ritual of a leper requires two birds, as the verse states: "Then shall the priest command to take for him that is to be cleansed two living birds that are kosher" (Leviticus 14:4). The Sages explain that these must be free-ranging birds (*Nega'im* 14:1). One of the birds must be slaughtered, as the verse states: "And the priest shall command to slaughter one of the birds in an earthen vessel over running water" (Leviticus 14:5). The other bird is sent away.

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טְרֵפוֹת – מֵ״חַיּוֹת״ נָפְקָא! הָנִיחָא לְמַאן דְּאָמַר טְרֵפָה חַיָּה, אֶלָּא לְמַאן דְּאָמַר טְרֵפָה אֵינָהּ חַיָּה מַאי אִיכָּא לְמֵימַר? וְעוֹד, בֵּין לְמַאן דְּאָמַר טְרֵפָה חַיָּה בֵּין לְמַאן דְּאָמַר אֵינָהּ חַיָּה, מִדְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל נָפְקָא,

The Gemara objects: But the disqualification of ***tereifot* is** already **derived from** the word "**living**" in that verse. The Gemara elaborates: Granted, **this works out well according to the one who says** that **a *tereifa* can live** (see 42a); it is therefore necessary for the verse to state "kosher" to exclude *tereifot*, because one could not have derived it from the word "living." **But according to the one who says** that **a *tereifa*** animal **cannot live, what is there to say?** Let it be derived from the word "living." **And furthermore, whether according to the one who says** that **a *tereifa* can live or according to the one who says** that **a *tereifa* cannot live,** it is not necessary to derive the exclusion of *tereifot* from the word "kosher," since it **is derived from that which the school of Rabbi Yishmael taught.**

דְּתָנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: נֶאֱמַר מַכְשִׁיר וּמְכַפֵּר בִּפְנִים, וְנֶאֱמַר מַכְשִׁיר וּמְכַפֵּר בַּחוּץ,

As the school of Rabbi Yishmael taught: It is **stated** in the Torah that there are offerings that **enable** one to partake of sacrificial foods, e.g., the sin offering of a woman who has given birth or the guilt offering of a leper, **and** there are offerings that **atone,** e.g., a sin offering or guilt offering, all of which are brought **inside** the Temple. **And** it is also **stated** in the Torah that there are offerings that **enable** one to partake of sacrificial foods, e.g., the birds of a leper's purification ritual, **and** offerings that **atone,** e.g., the scapegoat of the Yom Kippur service, that are brought **outside** the Temple.

מַה מַּכְשִׁיר וּמְכַפֵּר הָאָמוּר בִּפְנִים – עָשָׂה בּוֹ מַכְשִׁיר כְּמְכַפֵּר, אַף מַכְשִׁיר וּמְכַפֵּר הָאָמוּר בַּחוּץ – עָשָׂה בּוֹ מַכְשִׁיר כְּמְכַפֵּר!

The *baraita* continues: Therefore, the offerings brought outside the Temple are compared to those offered inside: **Just as** with regard to the offerings that **enable or atone stated** in the Torah that are offered **inside** the Temple, the Torah **made** the offering that **enables like** the offering that **atones,** as even the former has portions of it that are burned on the altar, **so too,** with regard to offerings that **enable or atone stated** in the Torah that are offered **outside** the Temple, the Torah **made** the offering that **enables like** the offering that **atones.** Accordingly, just as the scapegoat must not be a *tereifa*, so too, the birds of a leper's purification ritual must not be *tereifot*. If so, there is no need to derive the exclusion of *tereifa* birds from the word "kosher."

אֶלָּא אֲמַר רַב נַחְמָן בַּר יִצְחָק: לְמַעוּטֵי צִפּוֹרֵי עִיר הַנִּדַּחַת. לְמַאי? אִי לְשִׁילּוּחַ – לֹא אָמְרָה תּוֹרָה שַׁלַּח לְתַקָּלָה! אֶלָּא לִשְׁחִיטָה.

Rather, Rav Naḥman bar Yitzḥak said: The word "kosher" serves **to exclude birds from an idolatrous city.** Such a city must be burned to the ground, and it is prohibited for one to derive benefit from any of its contents. The verse indicates that such a bird is unfit for use in the leper's purification ritual. The Gemara asks: **For what** function are such birds rendered unfit by the word "kosher"? **If** the verse means **to** render them unfit for **sending** away as part of the ritual, this is unnecessary, since the **Torah did not say** to **send** a bird only **to** create **a stumbling block.** It is obvious that any bird prohibited for consumption is unfit for sending, since the Torah would not allow for the possibility that the bird sent away will be trapped and consumed by unwitting individuals. **Rather,** the verse means **to** render them unfit for use as the bird intended for **slaughter.**

רָבָא אָמַר: לְמַעוּטֵי שֶׁלֹּא לְזַווֹג לָהּ אַחֶרֶת קוֹדֶם שִׁילּוּחָהּ, לְמַאי? אִי לִשְׁחִיטָה – הָא בָּעֵיָא שִׁילּוּחַ! אֶלָּא לְשִׁילּוּחַ.

Rava said: The word "kosher" serves **to exclude** the repeated use of a bird, i.e., a leper may **not pair** a bird **with another** bird from a previous leper, **before its** being **sent** away.[N] The Gemara asks: **For what** function does the word "kosher" indicate that a bird may not be reused? **If** it means **to** indicate that the bird intended for being sent away by the first leper may not be used for **slaughter** by the second leper, the verse is unnecessary, as this bird **requires** being **sent** away as part of the first leper's purification ritual. **Rather,** the verse means **to** indicate that the bird intended for being sent away by the first leper may not be used for **sending** simultaneously by the second leper.

NOTES

To exclude the repeated use of a bird one may not pair a bird with another bird before its being sent away – לְמַעוּטֵי שֶׁלֹּא לְזַווֹג לָהּ אַחֶרֶת קוֹדֶם שִׁילּוּחָהּ: This is derived from the fact that the word "kosher" indicates that there are other birds that are forbidden, similar to the derivations used by the other Sages. Rava derives that among those forbidden birds is the one to be sent away, which is prohibited from use by a different leper before it is sent away (Rashi). Nevertheless, *Tosafot* acknowledge that it is difficult to understand how this case is derived from the word "kosher."

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רַב פַּפָּא אָמַר: לְצִפּוֹרִים שֶׁהֶחֱלִיפוּ בְּצִפּוֹרֵי עֲבוֹדָה זָרָה, דִּכְתִיב ״וְהָיִיתָ חֵרֶם כָּמֹהוּ״ – כָּל מַה שֶּׁאַתָּה מְהַיֶּיה הֵימֶנּוּ כָּמוֹהוּ, לְמַאי? אִי לְשַׁילּוּחַ – לָא אָמְרָה תּוֹרָה שַׁלֵּחַ לְתַקָּלָה! אֶלָּא לִשְׁחִיטָה.

Rav Pappa said: The word "kosher" serves **to** exclude the use of **birds that were exchanged for birds of idol worship,** i.e., a gentile paid a Jew for his idol by giving the Jew birds. Such birds are prohibited from use in the leper's ritual, **as it is written** about objects of idol worship: "And you shall not bring an abomination into your house, **and become** [***vahayita***] **accursed like it"** (Deuteronomy 7:26), indicating that **anything that you generate** [***mehayye***] **from it,** e.g., through exchange, is prohibited **like it.** The Gemara asks: **For what** function does the word "kosher" indicate that such birds are prohibited? **If** it serves **to** exclude such birds from being **sent** away, this is unnecessary, because **the Torah did not say: Send** it away, if doing so could lead **to a mishap.** If the bird were prohibited, the Torah would not have commanded one to send it away, as others might eat it unwittingly. **Rather,** the word "kosher" serves **to** disqualify such birds for **slaughter.**

רָבִינָא אָמַר: הָכָא בְּמַאי עָסְקִינַן – בְּעוֹף שֶׁהָרַג אֶת הַנֶּפֶשׁ, הֵיכִי דָּמֵי? אִי דְּגָמַר דִּינָא – בַּר קְטָלָא הוּא! אֶלָּא קוֹדֶם גְּמַר דִּינָא, וּלְמַאי? אִי לְשִׁילּוּחַ – בָּעֵי לַאֲתוּיֵי לְבֵי דִּינָא וְקַיְימֵי ״וּבִעַרְתָּ הָרָע מִקִּרְבֶּךָ״! אֶלָּא לִשְׁחִיטָה.

Ravina said:[N] **Here we are dealing with a bird that killed a person** and is therefore subject to being killed. The verse indicates that such a bird is unfit for use in the leper's ritual. The Gemara asks: **What are the circumstances** of this case? **If** this is a case **where its verdict** of execution **was issued,** then **it is subject** to being **killed,** and there is no need for the verse to teach that it cannot be used in the ritual. **Rather,** it must be referring to a bird **before its verdict** of execution **was issued. And for what** function does the verse exclude such a bird? **If** it serves **to** exclude the bird from **sending** away, this is unnecessary, since one is **required to bring it to the court to fulfill** the verse: "**And you shall eradicate the evil from your midst"** (Deuteronomy 13:6). Obviously, one may not send it away. **Rather,** the verse serves **to** disqualify such a bird for **slaughter.**

״עוֹף טָמֵא רוֹבֵץ עַל בֵּיצֵי עוֹף טָהוֹר״. בְּשֶׁלָּמָּא עוֹף טָמֵא רוֹבֵץ עַל בֵּיצֵי טָהוֹר – בָּעֵינַן ״צִפּוֹר״, וְלֵיכָּא! אֶלָּא עוֹף טָהוֹר רוֹבֵץ עַל בֵּיצֵי עוֹף טָמֵא, הָא צִפּוֹר הוּא!

§ The mishna states: If **a non-kosher bird is resting upon the eggs of a kosher bird,** or a kosher bird is resting upon the eggs of a non-kosher bird, one is exempt from sending away the bird. The Gemara objects: **Granted,** it is understandable that one is exempt in a case where **a non-kosher bird is resting upon the eggs of a kosher** bird, since **we require** a kosher bird, as the verse uses the word "***tzippor***" (Deuteronomy 22:6) in this context, which the Gemara earlier (139b) interpreted as a reference to a kosher bird, **and** this bird **is not** kosher. **But** in a case where **a kosher bird is resting upon the eggs of a non-kosher bird, it is a *tzippor,*** a kosher bird, and one should be required to send it away.

כִּדְאָמַר רַב כָּהֲנָא: ״תִּקַּח לָךְ״ – וְלֹא לִכְלָבֶיךָ, הָכָא נַמִי: ״תִּקַּח לָךְ״ – וְלֹא לִכְלָבֶיךָ.

The Gemara responds that this is in accordance with **that which Rav Kahana said** in a different context: The verse states: "But the young **you may take for yourself"** (Deuteronomy 22:7), indicating that one is required to send away the mother only if the eggs are fit for consumption, **but not** if they are fit only **for your dog. Here too,** with regard to non-kosher eggs, the mitzva applies only if **you may take for yourself, but not** if they are fit only **for your dog** because they are not kosher.

וְהֵיכָא אִיתְּמַר דְּרַב כָּהֲנָא? אַהָא, דְּתַנְיָא: אֵם טְרֵפָה – חַיָּיב בְּשִׁילּוּחַ, אֲפְרוֹחִים טְרֵפוֹת – פָּטוּר מִשִּׁילּוּחַ, מִנָּא הָנֵי מִילֵּי? אָמַר רַב כָּהֲנָא: דְּאָמַר קְרָא ״תִּקַּח לָךְ״ – וְלֹא לִכְלָבֶיךָ.

The Gemara asks: **And where was** this statement **of Rav Kahana stated?** The Gemara answers that it was stated **with regard to that which is taught** in a *baraita*: Even if the **mother** bird is a ***tereifa,***[H] one is **obligated to send** away the mother from the nest. But if the **fledglings** are ***tereifot,***[H] one is **exempt from sending** away the mother. **From where is this matter** derived? **Rav Kahana said: As the verse states: "You may take for yourself,"** indicating that you are required to send away the mother only if the fledglings are fit for consumption, **but not** if they are fit only **for your dog** because they are *tereifot*.

וּלְהַקִּישׁ אֵם טְרֵפָה לַאֲפְרוֹחִים, מָה אֲפְרוֹחִים טְרֵפוֹת – פָּטוּר מִשִּׁילּוּחַ, אַף אֵם טְרֵפָה נַמִי פָּטוּר מִלְּשַׁלֵּחַ!

The Gemara objects: **But** why not **compare a *tereifa* mother** bird **to** *tereifa* **fledglings** and say: **Just as** with regard to ***tereifa* fledglings** one is **exempt from sending** away the mother, **so too,** with regard to **a *tereifa* mother** one should **also** be **exempt from sending** her away.

NOTES

Rav Naḥman bar Yitzḥak said…Rava said…Rav Pappa said…Ravina said – אָמַר רַב נַחְמָן בַּר יִצְחָק…רָבָא אָמַר…רַב פַּפָּא אָמַר רַב…רָבִינָא אָמַר: These Sages give four explanations as to what the verse excludes by use of the word "kosher" (Leviticus 14:4). The Rambam rules that a bird for use in the purification process of a leper may not be from an idolatrous city, nor may it be a bird that was exchanged for an object of idol worship, nor one that killed a person (Rambam *Sefer Kedusha*, *Hilkhot Tumat Tzara'at* 11:8). Since each of these categories is derived by a different Sage, this ruling appears to be self-contradictory. Nevertheless, the commentaries explain that these *amora'im* do not disagree with each other, but rather each explains a different case that is excluded. Consequently, the Rambam may rule in accordance with several of them (*Kesef Mishne*).

HALAKHA

If the mother bird is a *tereifa* – אֵם טְרֵפָה: The sending away of the mother bird from the nest applies even if the mother is a *tereifa* (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:11; *Shulḥan Arukh*, *Yoreh De'a* 292:1).

If the fledglings are *tereifot* – אֲפְרוֹחִים טְרֵפוֹת: If the fledglings are *tereifot*, one is exempt from the sending away of the mother bird (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:9; *Shulḥan Arukh*, *Yoreh De'a* 292:7).

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אִם כֵּן, ״צִפּוֹר״ לְמַעוּטֵי עוֹף טָמֵא לָמָּה לִי?

The Gemara responds: **If so,** that the mother should be compared to the fledglings, then **why do I** need the word ***"tzippor"* to exclude a non-kosher bird?** One could simply derive it from the fact that one is exempt from the mitzva in the case of non-kosher fledglings, since they are not fit for consumption. Rather, since it was necessary for the verse to teach that non-kosher birds are not included in the mitzva of sending away the mother, it must be that no such comparison is to be drawn.

וְהָתַנְיָא: אֵם אֲפְרוֹחִין טְרֵפָה – חַיָּיב בְּשִׁילּוּחַ! אֲמַר אַבַּיֵי: הָכִי קָאָמַר, אֲפְרוֹחַ שֶׁאִמָּן טְרֵפָה – חַיָּיב בְּשִׁילּוּחַ.

The Gemara questions the statement of Rav Kahana that the mitzva of sending away the mother bird from the nest does not apply in the case of fledglings unfit for consumption: **But isn't it taught** in a *baraita*: With regard to **a mother of fledglings,** in the case of a ***tereifa,*** one is **obligated to send** away the mother bird from the nest? The *baraita* appears to teach that even if the fledglings themselves are *tereifot,* one is obligated in the mitzva. **Abaye said** in response: The word *tereifa* is not referring to the fledglings. Rather, **this** is what the *baraita* **is saying:** In the case of **a fledgling whose mother is a *tereifa,*** one is **obligated to send** away the mother bird. This *baraita,* then, is in accordance with the statement of Rav Kahana.

בָּעֵי רַב הוֹשַׁעְיָא: הוֹשִׁיט יָדוֹ לַקֵּן וְשָׁחַט מִיעוּט סִימָנִים, מַהוּ?

§ With regard to the statement of Rav Kahana above, **Rav Hoshaya raises a dilemma:** If one **stretched his hand into a nest** containing a mother bird and its fledglings **and slaughtered,** i.e., severed, **a minority of** the **two organs that must be severed in ritual slaughter** [***simanim***], i.e., the windpipe and the gullet, of the fledglings,[H] **what is** the *halakha* with regard to sending away the mother bird?

מִי אָמְרִינַן כֵּיוָן דְּאִילּוּ שָׁבִיק לְהוּ מִטְרְפִי, בָּעֵינַן ״לָךְ״ – וְלֹא לִכְלָבֶיךָ, אוֹ דִלְמָא: כֵּיוָן דִּבְיָדוֹ לְמִגְמַר שְׁחִיטָה, ״תִּקַּח לָךְ״ קָרִינָא בֵּיהּ – וְחַיָּיב בְּשִׁילּוּחַ? תֵּיקוּ.

The two sides of the dilemma are explained: **Do we say: Since if those** fledglings **are left** as they are, with only partially severed *simanim,* **they will** eventually be rendered ***tereifot,*** one is therefore exempt from sending away the mother because **we require** that the fledglings be taken **"for yourself," and not for your dog? Or perhaps, since it is in his power to complete the** act of **slaughter,** thereby permitting the fledglings for consumption, **we** may **call** this case: **"Take for yourself," and one is obligated to send** away the mother bird. Since no answer is given, the Gemara concludes: The dilemma **shall stand** unresolved.

בָּעֵי רַבִּי יִרְמְיָה: מַטְלִית מַהוּ שֶׁתְּחוּץ? כְּנָפַיִם מַהוּ שֶׁיְּחוּצוּ?

§ **Rabbi Yirmeya raises a dilemma:** In a case where **a rag** is lying in the nest between the mother bird and the eggs, **what is** the *halakha*? Does **it interpose**[NH] between them, such that the mother is not considered to be resting upon the eggs? If so, one would be exempt from sending away the mother. Similarly, if feathers are detached from a bird's **wings** and are lying between the mother bird and the eggs, **what is** the *halakha*? Do **they interpose**[H] between the eggs and the mother?

NOTES

Where a rag is lying between the mother bird and the eggs…does it interpose – מַטְלִית…שֶׁתְּחוּץ: Rabbi Yirmeya raises five dilemmas related to interpositions between the mother bird and the young. The question in all of them is whether the interposition creates an exemption from the obligation of sending away the mother bird by disrupting the fulfillment of: "The mother is resting upon the fledglings, or upon the eggs" (Deuteronomy 22:6). The commentaries explain that the dilemmas are listed in ascending order, such that even if it is decided that the interposition in an earlier case creates such an exemption, it is still appropriate to inquire about the latter cases.

The first case of the rag interposing between the mother and the young involves a significantly different item from those usually associated with birds. Nevertheless, it may not be considered an interposition between the mother bird and the young due to the manner in which birds build their nests. They gather an assortment of different materials to pad the nest, and it is possible that a rag may be gathered in that process. Consequently, a rag may yet be considered part of the nesting process of the bird and therefore would not be deemed an interposition (*Yosef Da'at*).

Even if it is decided that a rag is an interposition that creates an exemption, that may be due to its being an object physically unrelated to birds. Therefore, one may still inquire about feathers, which grow on birds, as to whether they may not be considered an interposition that creates an exemption. Even if feathers are considered to be such an interposition, that may be because feathers are not usually found resting upon eggs; therefore, one may inquire about unfertilized eggs, as they may not be considered an interposition because they are often found resting upon fertilized eggs (Rosh).

Likewise, even if an unfertilized egg is considered to be such an interposition, that may be because it is a type of egg that does not create the obligation of sending away the mother; still, an additional row of fertilized eggs might not be considered an interposition, because such eggs, were they alone in the nest, would require the sending of the mother (*Likkutei Ḥever ben Ḥayyim*).

HALAKHA

If one stretched his hand into a nest and slaughtered a minority of the *simanim* of the fledglings – הוֹשִׁיט יָדוֹ לַקֵּן וְשָׁחַט מִיעוּט סִימָנִים: If one partially severed the *simanim* of the fledglings within the nest before he seized them, he must send away the mother. If he does not send her away, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:12; *Shulḥan Arukh*, *Yoreh De'a* 292:10).

Where a rag is lying between the mother bird and the eggs…does it interpose – מַטְלִית…שֶׁתְּחוּץ: If there was a rag between the mother bird and the eggs within the nest, one must send away the mother. If he does not send her away, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 292:9).

If feathers are detached from a bird's wings and are lying between the mother bird and the eggs…do they interpose – כְּנָפַיִם…שֶׁיְּחוּצוּ: If there were feathers detached from another bird's wings lying between the mother bird and the young within the nest, one must send away the mother. If he does not send her away, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 292:9).

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בֵּיצִים מוּזָרוֹת מַהוּ? שְׁנֵי סִדְרֵי בֵּיצִים זוֹ עַל גַּב זוֹ מַהוּ? זָכָר עַל גַּבֵּי בֵּיצִים וּנְקֵבָה עַל גַּבֵּי זָכָר מַהוּ? תֵּיקוּ.

Rabbi Yirmeya continues: If **unfertilized** [*muzarot*] **eggs** separate between the mother bird and fertilized eggs, **what is** the *halakha*?[NH] Additionally, in a case where **two sets of** fertilized **eggs** are lying **one on top of the other, what is** the *halakha*?[H] Does the upper set of eggs interpose between the mother and the lower set? Furthermore, **what is** the *halakha* in a case where **a male** bird is resting **on top of the eggs and a female** bird is resting **on top of** the **male?**[H] Does the male bird interpose between the female and the eggs? No answers are given, so the Gemara concludes: The dilemma **shall stand** unresolved in all of these cases.

בָּעֵי רַבִּי זֵירָא: יוֹנָה עַל בֵּיצֵי תָּסִיל מַהוּ? תָּסִיל עַל בֵּיצֵי יוֹנָה מַהוּ?

§ **Rabbi Zeira raises a dilemma:** If **a pigeon** is resting **upon the eggs of a *tasil*,**[B] a kosher bird resembling a pigeon, **what is** the *halakha*[H] with regard to sending away the mother bird from the nest? Likewise, if **a *tasil*** is resting **upon the eggs of a pigeon, what is** the *halakha*?[N]

אֲמַר אַבַּיֵי, תָּא שְׁמַע: עוֹף טָמֵא רוֹבֵץ עַל בֵּיצֵי עוֹף טָהוֹר, וְטָהוֹר רוֹבֵץ עַל בֵּיצֵי עוֹף טָמֵא – פָּטוּר מִשִּׁילּוּחַ, הָא טָהוֹר וְטָהוֹר חַיָּיב! דִּלְמָא בְּקוֹרֵא.

Abaye said: Come and **hear** that which is taught in the mishna: In a case where **a non-kosher bird is resting upon the eggs of a kosher bird, or a kosher** bird **is resting upon the eggs of a non-kosher bird,** one is **exempt from sending** away the bird. One may infer from the mishna **that** in a case involving **a kosher** bird **and kosher** eggs, e.g., a *tasil* resting on the eggs of a pigeon, one is **obligated** to send away the mother bird. The Gemara rejects this: **Perhaps** this inference applies only **to** the case of a female **pheasant,** which normally rests upon the eggs of other birds. Since this is its normal behavior, one is obligated to send it away even if it rests upon the eggs of another kosher bird. This may not be the case with regard to a *tasil* or pigeon.

״קוֹרֵא זָכָר רַבִּי אֱלִיעֶזֶר מְחַיֵּיב וַחֲכָמִים פּוֹטְרִין״. אֲמַר רַבִּי אַבָּהוּ: מַאי טַעְמָא דְּרַבִּי אֱלִיעֶזֶר – אָתְיָא דְּגִירָה דְּגִירָה, כְּתִיב הָכָא ״קוֹרֵא דָּגָר וְלֹא יָלָד״, וּכְתִיב הָתָם ״וּבָקְעָה וְדָגְרָה בְּצִלָּהּ״.

§ The mishna teaches: With regard to the case of **a male pheasant** that rests upon the eggs of its species, **Rabbi Eliezer deems** one **obligated** to send away the pheasant, **and the Rabbis deem** one **exempt** from sending it away. With regard to this dispute, **Rabbi Abbahu said: What is the reasoning of Rabbi Eliezer?** According to Rabbi Eliezer, a verbal analogy between **brooding** stated with regard to a male pheasant and **brooding** with regard to a female bird **comes** to indicate that the resting of a male pheasant upon its eggs is considered an effective resting. **It is written here: "As the pheasant that broods over young that he has not brought forth"** (Jeremiah 17:11), **and it is written elsewhere** about a female bird: "There shall the great owl make her nest, and lay, **and hatch, and brood under her shadow"** (Isaiah 34:15). Just as a female bird broods over its nest, so too, a male pheasant broods over a nest. Therefore, one is required to send away the male bird from the nest as well.

NOTES

If unfertilized eggs separate between the mother bird and fertilized eggs what is the *halakha* – בֵּיצִים מוּזָרוֹת מַהוּ: Though an item of a certain type generally cannot create an interposition with regard to items of the same type, and these eggs are of the same type as fertilized eggs, the dilemma is raised about them as well. This is because the mother is expected to be directly upon the young, as the verse states: "The mother is resting upon the fledglings, or upon the eggs" (Deuteronomy 22:6), indicating that nothing at all should interpose between her and the young.

If a pigeon is resting upon the eggs of a *tasil*…if a *tasil* is resting upon the eggs of a pigeon what is the *halakha* – יוֹנָה עַל בֵּיצֵי תָּסִיל…תָּסִיל עַל בֵּיצֵי יוֹנָה מַהוּ: Later commentaries derive from Rabbi Zeira's formulation with regard to a *tasil* and a pigeon that this question arises only when the bird and the eggs are of different species. When a bird rests upon eggs of another bird of its own species, it is clear that one is obligated in the sending of the bird (*Torat Ḥayyim*).

BACKGROUND

***Tasil* – תָּסִיל:** Some maintain that the *tasil*, which is also mentioned earlier in the tractate (see 62b), is a bird similar to a pigeon, or to a laughing dove, a small dove native to Eretz Yisrael that resembles a pigeon in its general appearance. Others maintain that it is one of the species of wild pigeons.

HALAKHA

If unfertilized eggs separate between the mother bird and fertilized eggs what is the *halakha* – בֵּיצִים מוּזָרוֹת מַהוּ: If there were unfertilized eggs between the mother bird and the young within the nest, one must send away the mother. If he does not send her away, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:14; *Shulḥan Arukh*, *Yoreh De'a* 292:9).

In a case where two sets of fertilized eggs are lying one on top of the other what is the *halakha* – שְׁנֵי סִדְרֵי בֵּיצִים זוֹ עַל גַּב זוֹ מַהוּ: If there are two sets of eggs lying in the nest one on top of the other, and the wings of the mother are touching the upper set, one must send away the mother. If he does not send it, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:14; *Shulḥan Arukh*, *Yoreh De'a* 292:9).

What is the *halakha* in a case where a male bird is resting on top of the eggs and a female bird is resting on top of the male – זָכָר עַל גַּבֵּי בֵּיצִים וּנְקֵבָה עַל גַּבֵּי זָכָר מַהוּ: If a male is resting on top of the nest and the mother is on top of the male, or if the mother bird is resting upon another female bird, one must send away the mother. If he does not send her away, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:14; *Shulḥan Arukh*, *Yoreh De'a* 292:9).

If a pigeon is resting upon the eggs of a *tasil* what is the *halakha* – יוֹנָה עַל בֵּיצֵי תָּסִיל מַהוּ: If a kosher bird is resting on kosher eggs that are not of the same species, one must send away the bird. If he does not send away the bird, he is not flogged, as the relevant dilemma is not resolved in the Gemara (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:11; *Shulḥan Arukh*, *Yoreh De'a* 292:8).

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BACKGROUND

To convey to you the far-reaching nature of the opinion – לְהוֹדִיעֲךָ כֹּחוֹ: Often, the need arises to formulate a dispute in terms of the opinion of one of the parties in order to clarify the parameters of that opinion. In those cases, the Gemara states that the dispute was formulated in that manner to convey the far-reaching nature of that opinion, especially when there is a novel element or lenient ruling involved.

אָמַר רַבִּי אֶלְעָזָר: מַחֲלוֹקֶת בְּקוֹרֵא זָכָר, אֲבָל בְּקוֹרֵא נְקֵבָה דִּבְרֵי הַכֹּל חַיָּיב. פְּשִׁיטָא, "קוֹרֵא זָכָר" תְּנַן! מַהוּ דְּתֵימָא: רַבָּנַן – אֲפִילּוּ קוֹרֵא נְקֵבָה פָּטְרִי, וְהָא דְּקָתָנֵי זָכָר – לְהוֹדִיעֲךָ כֹּחוֹ דְּרַבִּי אֶלְעָזָר, קָמַשְׁמַע לָן.

With regard to this dispute between Rabbi Eliezer and the Rabbis, **Rabbi Elazar says:** Their **dispute** is only **with regard to a male pheasant, but** with regard **to a female pheasant all agree** that one is **obligated** to send away the bird. The Gemara asks: Isn't that **obvious,** given that **we learned** in the mishna: **A male pheasant?** The Gemara responds: **Lest you say** that **the Rabbis deem** one **exempt** from the mitzva of sending away the mother bird **even** in the case of **a female pheasant, and** as for **that which** the mishna **teaches** the dispute in the case of **a male** pheasant, the reason is **to convey to you the far-reaching nature of** the opinion[B] of **Rabbi Eliezer,** in that he requires one to send away even a male pheasant, therefore, Rabbi Elazar **teaches us** that the Rabbis agree that one must send away a female pheasant.

וְאָמַר רַבִּי אֶלְעָזָר: מַחֲלוֹקֶת בְּקוֹרֵא זָכָר, אֲבָל בִּזְכָרִים דְּעָלְמָא – דִּבְרֵי הַכֹּל פָּטוּר. פְּשִׁיטָא, "קוֹרֵא זָכָר" תְּנַן! מַהוּ דְּתֵימָא: רַבִּי אֱלִיעֶזֶר – אֲפִילּוּ זְכָרִים דְּעָלְמָא מְחַיֵּיב, וְהַאי דְּקָתָנֵי "קוֹרֵא זָכָר" – לְהוֹדִיעֲךָ כֹּחָן דְּרַבָּנַן, קָא מַשְׁמַע לָן.

And Rabbi Elazar also **says:** The **dispute** between Rabbi Eliezer and the Rabbis is only **with regard to a male pheasant, but** with regard **to male** birds **in general,**[H] **all agree** that one is **exempt** from the mitzva of sending away the bird from the nest. The Gemara asks: Isn't that **obvious,** given that **we learned** in the mishna: **A male pheasant?** The Gemara responds: **Lest you say** that **Rabbi Eliezer deems** one **obligated** to send away **even male** birds **in general, and that which** the mishna **teaches: A male** pheasant, is **to convey to you the far-reaching nature of** the opinion of **the Rabbis,** in that they also deem one exempt from sending a male pheasant, therefore, Rabbi Elazar **teaches us** that even according to Rabbi Eliezer, one is exempt from sending away male birds in general.

תַּנְיָא נַמִּי הָכִי: זָכָר דְּעָלְמָא – פָּטוּר, קוֹרֵא זָכָר, רַבִּי אֱלִיעֶזֶר מְחַיֵּיב, וַחֲכָמִים פּוֹטְרִין.

The Gemara notes: **This** explanation of Rabbi Elazar **is also taught** in a *baraita*: With regard to **a male** bird **in general,** one is **exempt** from the mitzva of sending it away, but with regard to **a male pheasant, Rabbi Eliezer deems** one **obligated** to send it away from the nest, **and the Rabbis deem** one **exempt** from sending it away.

מתני׳ הָיְתָה מְעוֹפֶפֶת, בִּזְמַן שֶׁכְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – חַיָּיב לְשַׁלֵּחַ, אֵין כְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ. אֵין שָׁם אֶלָּא אֶפְרוֹחַ אֶחָד אוֹ בֵּיצָה אַחַת – חַיָּיב לְשַׁלֵּחַ, שֶׁנֶּאֱמַר "קַן" – קֵן מִכָּל מָקוֹם.

MISHNA If the mother bird **was hovering**[H] over the eggs or fledglings in the nest, **when its wings are touching** the eggs or fledglings **in the nest,** one is **obligated to send** away the mother. When its wings **are not touching** the eggs or fledglings **in the nest,** one is **exempt from sending** away the mother. Even if **there is only one fledgling or one egg,**[H] one is **obligated to send** away the mother, **as it is stated:** "If a bird's **nest** happens before you" (Deuteronomy 22:6), indicating that one is obligated to send away the mother bird from the **nest in any case.**

הָיוּ שָׁם אֶפְרוֹחִים מַפְרִיחִים אוֹ בֵּיצִים מוּזָרוֹת – פָּטוּר מִלְּשַׁלֵּחַ, שֶׁנֶּאֱמַר "וְהָאֵם רֹבֶצֶת עַל הָאֶפְרֹחִים אוֹ עַל הַבֵּיצִים". מָה אֶפְרוֹחִים – בְּנֵי קַיָּמָא, אַף בֵּיצִים – בְּנֵי קַיָּמָא, יָצְאוּ מוּזָרוֹת. וּמַה הַבֵּיצִים – צְרִיכִין לְאִמָּן, אַף הָאֶפְרוֹחִין – צְרִיכִין לְאִמָּן, יָצְאוּ מַפְרִיחִין.

If **there were fledglings** capable of **flying, or unfertilized eggs**[H] from which a fledgling will not hatch, one is **exempt from sending** away the mother bird from the nest, **as it is stated** in the same verse: **"And the mother is resting upon the fledglings or upon the eggs."** From the juxtaposition of the fledglings and the eggs one derives: **Just as the fledglings are living, so too, the eggs** must **be** capable of producing **living** fledglings. This **excludes unfertilized** eggs, which cannot produce a living fledgling. **And** furthermore, **just as the eggs need their mothers** to hatch them, **so too, the fledglings** must be those that **need their mothers.** This **excludes** fledglings that are capable of **flying.**

HALAKHA

A male pheasant…male birds in general – קוֹרֵא זָכָר…זָכָר דְּעָלְמָא: If a male kosher bird is resting on the eggs in its nest, one is exempt from sending away the bird, even if it is a male pheasant (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:10; *Shulḥan Arukh*, *Yoreh De'a* 292:7 and *Shakh* there).

If the mother bird was hovering – הָיְתָה מְעוֹפֶפֶת: In a case where the mother bird is hovering over the nest, if her wings are touching the nest from above, one is obligated to send her away. If her wings are not, one is exempt, even if they are touching the side of the nest (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:13; *Shulḥan Arukh*, *Yoreh De'a* 292:11).

Even if there is only one fledgling or one egg – אֵין שָׁם אֶלָּא אֶפְרוֹחַ אֶחָד אוֹ בֵּיצָה אַחַת: Even if the mother bird is resting upon only one fledgling or one egg, one is obligated to send her away (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:17; *Shulḥan Arukh*, *Yoreh De'a* 292:1).

If there were fledglings capable of flying or unfertilized eggs – הָיוּ שָׁם אֶפְרוֹחִים מַפְרִיחִים אוֹ בֵּיצִים מוּזָרוֹת: If the nest contains unfertilized eggs or fledglings capable of flying that are no longer in need of their mother, one is not obligated to send away the mother bird (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:9; *Shulḥan Arukh*, *Yoreh De'a* 292:7).

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גמ׳ תָּנוּ רַבָּנַן: ״רֹבֶצֶת״ – וְלֹא מְעוֹפֶפֶת, יָכוֹל אֲפִילּוּ כְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן? תַּלְמוּד לוֹמַר ״רֹבֶצֶת״, מַאי תַּלְמוּדָא? מִדְּלָא כְּתִיב ״יוֹשֶׁבֶת״.

GEMARA The mishna discusses the case of a mother bird that hovers over the nest. With regard to this, **the Sages taught** in a *baraita*: The verse teaches that one is obligated to send away the mother bird only when it is at rest, as it states: "And the mother is **resting** upon the fledglings" (Deuteronomy 22:6), **and not** when it is **hovering.** One **might** have thought that one is exempt **even** if the mother is hovering and **its wings are touching the nest.** Therefore, **the verse states: "Resting,"** indicating that in fact one is obligated in the mitzva in such a case. The Gemara asks: **What is the** biblical **derivation,** i.e., how is this derived from the word "resting"? The Gemara responds: It is derived **from** the fact **that** the word **sitting is not written** in the verse. Although a bird whose wings are touching the nest is not sitting upon it, such a bird is considered to be resting upon it.

אָמַר רַב יְהוּדָה אָמַר רַב: הָיְתָה יוֹשֶׁבֶת בֵּין שְׁנֵי רוֹבְדֵי אִילָן, רוֹאִים, כָּל שֶׁאִם תִּשָּׁמֵט נוֹפֶלֶת עֲלֵיהֶם – חַיָּיב לְשַׁלֵּחַ, וְאִם לָאו – פָּטוּר.

§ **Rav Yehuda says** that **Rav says:** If the mother bird **was sitting** above the eggs or fledglings **between two tree branches,**[NH] one **looks** at the following factor in order to determine whether the obligation to send away the mother applies: In **any** case **where if** the branches were to separate, the bird **would slip** between them and **fall upon** the eggs or fledglings, one is **obligated to send** away the mother bird. **And if** the bird would **not** fall upon them, but to the sides, one is **exempt** from the mitzva of sending away the mother bird.

מֵיתִיבִי: הָיְתָה יוֹשֶׁבֶת בֵּינֵיהֶן – פָּטוּר מִלְּשַׁלֵּחַ, עַל גַּבֵּיהֶן – חַיָּיב לְשַׁלֵּחַ. הָיְתָה מְעוֹפֶפֶת, אֲפִילּוּ כְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ.

The Gemara **raises an objection** to the statement of Rav from that which was taught in a *baraita*: If the mother bird **was sitting among** the eggs or the fledglings, one is **exempt from sending** it away, as the verse states: "And the mother is resting upon the fledglings, or upon the eggs" (Deuteronomy 22:6), i.e., upon and not among. If it was sitting **above them,** one is **obligated to send** it away. If it **was hovering, even** if **its wings are touching the nest,** one is **exempt from sending** it away.

מַאי לָאו עַל גַּבֵּיהֶן דּוּמְיָא דְּבֵינֵיהֶן, מַה בֵּינֵיהֶן – דְּנָגְעָה בְּהוּ, אַף עַל גַּבֵּיהֶן דְּנָגְעָה בְּהוּ, אֲבָל רוֹבְדֵי אִילָן – פָּטוּר!

What, is it not that the case of sitting **above them** is **similar to** the case of sitting **between them?** The Gemara elaborates: **Just as** in the case of sitting **between them** one is exempt **where she is touching them, so too,** in the case of sitting **above them** one is obligated **where she is touching them.** If so, conclude from this *baraita* that one is obligated only if the bird is touching the fledglings or eggs, **but** if it is sitting between two **tree branches** above the eggs or fledglings without touching them, one is **exempt** from sending her away.

לָא, עַל גַּבֵּיהֶן דּוּמְיָא דְּבֵינֵיהֶן, מַה בֵּינֵיהֶן – דְּלָא נָגְעָה עֲלֵיהוּ, אַף עַל גַּבֵּיהֶן – דְּלָא נָגְעָה עֲלֵיהוּ, וְהַיְינוּ רוֹבְדֵי אִילָן.

The Gemara rejects this: **No;** actually, the case of sitting **above them** is **similar to** that of sitting **between them** in the following manner: **Just as** the case of sitting **between them** is one **where she is not touching them** from **above,** but from the side, **so too,** the case of sitting **above them** is one **where she is not touching them** from **above.** Accordingly, the *baraita* teaches that one is obligated to send away the bird if it is resting on branches above the nest, even though it is not touching the eggs or fledglings. **And that is** the case where the mother is sitting between two **tree branches.**

הָכִי נַמִּי מִסְתַּבְּרָא, דְּאִי סָלְקָא דַּעְתָּךְ רוֹבְדֵי אִילָן פָּטוּר, אַדְּתָנֵי ״הָיְתָה מְעוֹפֶפֶת, אֲפִילּוּ כְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ״ לֵיתְנֵי רוֹבְדֵי אִילָן וְכָל שֶׁכֵּן מְעוֹפֶפֶת!

The Gemara notes: **This, too, stands to reason,** that one is obligated to send away a mother bird that is sitting between two tree branches above the nest. **As, if** it should **enter your mind** that one is **exempt** when the mother bird is sitting between two **tree branches,** then one may ask: **Rather than teaching** that if it **was hovering, even** if **its wings are touching the nest,** one is **exempt from sending** it away, **let** the *baraita* **teach** that one is exempt in the case of a mother bird that is sitting between two **tree branches, and all the more so** if the mother **is hovering.**

NOTES

If the mother bird was sitting above the eggs or fledglings between two tree branches – הָיְתָה יוֹשֶׁבֶת בֵּין שְׁנֵי רוֹבְדֵי אִילָן: Though Rabbi Yirmeya asked about several types of potential interpositions between the mother and the eggs or fledglings, those situations are not similar to a mother sitting between two branches of the tree. In the case at hand, only air separates her from the fledglings or eggs, and air is not considered an interposition (*Iggerot Moshe*).

HALAKHA

If the mother bird was sitting above the eggs or fledglings between two tree branches – הָיְתָה יוֹשֶׁבֶת בֵּין שְׁנֵי רוֹבְדֵי אִילָן: If a mother bird is sitting on two branches of a tree and the nest is below her, one considers the following factor: In any situation where if she were to slip between the branches she would fall upon the eggs or fledglings in the nest, one is obligated to send her away. If that is not the case, then one is exempt (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:16; *Shulḥan Arukh*, *Yoreh De'a* 292:13).

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מְעוֹפֶפֶת אִיצְטְרִיךְ לֵיהּ, דַּאֲפִילּוּ בְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ.

The Gemara rejects this: Perhaps one is exempt from sending the mother bird if it is resting between two tree branches. Nevertheless, it **was necessary** for the *tanna* to teach the case of **a hovering** bird, in order to teach **that even** if **its wings are touching the nest,** one is **exempt from sending** away the mother bird. Had the *tanna* taught the exemption in a case of a bird resting between two tree branches, one might have thought that this is because the bird's wings are not touching the nest.

וְהָאֲנַן תְּנַן: בְּזְמַן שֶׁבְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – חַיָּיב לְשַׁלֵּחַ! אֲמַר רַבִּי יִרְמְיָה: כִּי קָתָנֵי מַתְנִיתָא – בְּנוֹגֵעַ מִן הַצַּד.

The Gemara now questions the *baraita* itself: How can the *baraita* state that even if the hovering bird's wings are touching the nest, one is exempt from sending the bird away? **But didn't we learn** in the mishna: **When its wings are touching the nest,** one is **obligated to send** away the mother? **Rabbi Yirmeya said: When** the case of the hovering mother bird **is taught** in **the *baraita*,** it is referring **to** a bird **touching** the nest **from the side.** In such a case, one is exempt because its wings are not touching the nest from above. By contrast, the mishna is referring to a case where the bird is hovering directly above the nest and touching the nest with its wings from above.

אִיכָּא דְּאָמְרִי, לֵימָא מְסַיַּיע לֵיהּ: הָיְתָה יוֹשֶׁבֶת בֵּינֵיהֶן – פָּטוּר מִלְּשַׁלֵּחַ, עַל גַּבֵּיהֶן – חַיָּיב לְשַׁלֵּחַ, הָיְתָה מְעוֹפֶפֶת אֲפִילּוּ בְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ,

There are those **who say** that the discussion proceeded as follows: **Let us say** that the following *baraita* **supports** the opinion of Rav: If the mother bird **was sitting among** the eggs or the fledglings, one is **exempt from sending** it away. If it was sitting **above them,** one is **obligated to send** it away. If **it was hovering, even** if **its wings are touching the nest,** one is **exempt from sending** it away.

מַאי לָאו עַל גַּבֵּיהֶן דּוּמְיָא דְּבֵינֵיהֶן, מַה בֵּינֵיהֶן – דְּלָא נָגְעָה עֲלֵיהוּ, אַף עַל גַּבֵּיהֶן – דְּלָא נָגְעָה עֲלֵיהוּ, וְהֵיינוּ רוֹבְדֵי אִילָן.

What, is it not that the case of sitting **above them** is **similar to** that of sitting **between them** in the following manner: **Just as** the case of sitting **between them** is one **where she is not touching them** from **above** but from the side, **so too,** the case of sitting **above them** is one **where she is not touching them** from **above?** If so, the *baraita* teaches that if the bird rests on branches over the eggs or fledglings without touching them, one is obligated in the mitzva. **And that is** the case where the mother is sitting between two **tree branches.**

לָא, עַל גַּבֵּיהֶן דּוּמְיָא דְּבֵינֵיהֶן, מַה בֵּינֵיהֶן – דְּנָגְעָה בְּהוּ, אַף עַל גַּבֵּיהֶן – דְּנָגְעָה בְּהוּ, אֲבָל רוֹבְדֵי אִילָן – פָּטוּר. אִי הָכִי, אַדְּקָתָנֵי סֵיפָא ״הָיְתָה מְעוֹפֶפֶת, אֲפִילּוּ בְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר״,

The Gemara rejects this: **No,** the case of sitting **above them** is **similar to** that of sitting **between them** in the following manner: **Just as** the case of sitting **between them** is one **where she is touching them, so too,** the case of sitting **above them** is one **where she is touching them.** Accordingly, one is obligated only if the bird is touching the nest from above; **but** if it is sitting between two **tree branches** without touching the eggs or the fledglings, one is **exempt** from sending it away. The Gemara objects: **If that is so, rather than teaching** in **the last clause:** If it **was hovering, even** if **its wings are touching the nest,** one is **exempt** from sending it away,

Perek **XII**
Daf **141** Amud **a**

לִיתְנֵי ״רוֹבְדֵי אִילָן״, וְכָל שֶׁכֵּן מְעוֹפֶפֶת! מְעוֹפֶפֶת אִיצְטְרִיךְ לֵיהּ, דַּאֲפִילּוּ בְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – פָּטוּר מִלְּשַׁלֵּחַ.

let the *baraita* **teach** that one is exempt in a case where the bird is sitting between two **tree branches,** which resembles a case where the bird is resting upon the nest itself in that the bird is sitting in both cases, **and** it would be clear **all the more so** that one is exempt if the mother **is hovering.** The Gemara responds: It **was necessary** for the *baraita* to teach the case of **a hovering** bird in order to teach **that even** if **its wings are touching the nest,** one is **exempt from sending** away the mother bird. Had the *baraita* taught the exemption in a case of a bird resting between two tree branches, one might have thought that this is because the bird's wings are not touching the nest.

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וְהָאֲנַן תְּנַן: בִּזְמַן שֶׁכְּנָפֶיהָ נוֹגְעוֹת בַּקֵּן – חַיָּיב לְשַׁלֵּחַ! אֲמַר רַב יְהוּדָה: כִּי קָתָנֵי מַתְנִיתִין – בְּגוֹגֵע מִן הַצַּד.

The Gemara now questions the *baraita* itself: How can the *baraita* state that even if the hovering bird's wings are touching the nest, one is exempt from sending the bird? **But didn't we learn** in the mishna: **When its wings are touching the nest,** one is **obligated to send** away the mother? **Rav Yehuda said: When** the case of the hovering mother bird **is taught** in **the *baraita*,** it is referring **to** a bird **touching** the nest **from the side.** In such a case, one is exempt because its wings are not touching the nest from above. By contrast, the mishna is referring to a case where the bird is hovering directly above the nest and touching the nest with its wings from above.

״אֵין שָׁם אֶפְרוֹחַ״ וכו׳. אֲמַר לֵיהּ הַהוּא מָרָבָּנַן לְרָבָא: אֵימָא אִיפְּכָא, אֵין שָׁם אֶפְרוֹחַ אֶלָּא אֶחָד אוֹ בֵּיצָה אַחַת – פָּטוּר מִלְּשַׁלֵּחַ, דִּבְעֵינַן ״אֶפְרוֹחִים אוֹ בֵּיצִים״ וְלֵיכָּא.

§ The mishna teaches: Even if **there is** only one **fledgling** or one egg, one is obligated to send away the mother, as it is stated: "If a bird's nest happens before you" (Deuteronomy 22:6), indicating that one is obligated to send the mother bird away from the nest in any case. Additionally, if there were fledglings capable of flying or unfertilized eggs, one is exempt from sending away the mother bird, as it is stated in the same verse: "And the mother is resting upon the fledglings or upon the eggs." From the juxtaposition of the fledglings and the eggs, one derives that the eggs or fledglings must be capable of living and they must require their mothers. With regard to this, **one of the Sages said to Rava: Say the opposite,** that if **there is only one fledgling or one egg,** one is **exempt from sending** away the mother, **since we require** that the mother be "resting upon the **fledglings or** upon the **eggs," and** this condition is **not** fulfilled with fewer than two.

הָיוּ שָׁם אֶפְרוֹחִים מַפְרִיחִים אוֹ בֵּיצִים מוּזָּרוֹת – חַיָּיב לְשַׁלֵּחַ, שֶׁנֶּאֱמַר ״קֵן״ – קֵן מִכָּל מָקוֹם! אִם כֵּן, נִכְתּוֹב קְרָא ״וְהָאֵם רֹבֶצֶת עֲלֵיהֶם״, מַאי ״וְהָאֵם רֹבֶצֶת עַל הָאֶפְרוֹחִים אוֹ עַל הַבֵּיצִים״ – לְאַקּוּשֵׁי אֶפְרוֹחִים לַבֵּיצִים, וּבֵיצִים לָאֶפְרוֹחִים.

Additionally, if **there were fledglings** capable of **flying or unfertilized eggs** in the nest, say that one is **obligated to send** the mother bird away, **as it is stated** in that verse: "**Nest,**" indicating that one is obligated to send the mother bird away from the **nest in any case.** Rava responds: **If so, let the verse write: And the mother is resting upon them.** For **what** reason does the verse state: "**And the mother is resting upon the fledglings or upon the eggs"?** It is **to compare the fledglings to the eggs and the eggs to the fledglings,** i.e., to indicate that the eggs or fledglings must be capable of living and must require their mothers. Fledglings that can fly and unfertilized eggs are therefore not included in the mitzva. Consequently, the word "nest" serves to indicate that one is obligated to send away the mother bird even if there is only one egg or fledgling in the nest.

מתני׳ שִׁלְּחָהּ וְחָזְרָה, אֲפִילּוּ אַרְבָּעָה וַחֲמִשָּׁה פְּעָמִים – חַיָּיב, שֶׁנֶּאֱמַר ״שַׁלֵּחַ תְּשַׁלַּח אֶת הָאֵם״. אָמַר ״הַרְיֵנִי נוֹטֵל אֶת הָאֵם, וּמְשַׁלֵּחַ אֶת הַבָּנִים״ – חַיָּיב, שֶׁנֶּאֱמַר ״שַׁלֵּחַ תְּשַׁלַּח אֶת הָאֵם״. נָטַל אֶת הַבָּנִים וְהֶחֱזִירָן לָהּ, וְאַחַר כָּךְ חָזְרָה הָאֵם עֲלֵיהֶן – פָּטוּר מִלְּשַׁלֵּחַ.

MISHNA

If **one sent** away the mother bird **and it returned**[H] to rest on the eggs, **even** if it returned **four or five times,** one is **obligated** to send it away again, **as it is stated: "You shall send** [***shalle'aḥ teshallaḥ***] **the mother"** (Deuteronomy 22:7). The doubled verb indicates that one must send away the mother bird multiple times if needed. If one **said: I am hereby taking the mother and sending** away **the offspring,**[H] he is still **obligated** to send away the mother even if he sent away the offspring, **as it is stated: "You shall send**[N] **the mother."** If one sent away the mother and **took the offspring and** then **returned them** to the mother's nest, **and thereafter the mother returned** and rested **upon them,**[H] one is **exempt from sending** away the mother bird.

HALAKHA

If one sent away the mother bird and it returned – שִׁלְּחָהּ וְחָזְרָה: If one sent the mother bird away and it returned, and sent it again and it returned, even several times, he is obligated to continue sending it (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:5; *Shulḥan Arukh*, *Yoreh De'a* 292:5).

If one said: I am hereby taking the mother and sending the offspring – אָמַר הֲרֵינִי נוֹטֵל אֶת הָאֵם וּמְשַׁלֵּחַ אֶת הַבָּנִים: It is not permitted to take the mother and send away the offspring. Rather, one must send away the mother (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:6; *Shulḥan Arukh*, *Yoreh De'a* 292:5).

If one took the offspring and returned them to the nest and thereafter the mother returned and rested upon them – נָטַל אֶת הַבָּנִים וְהֶחֱזִירָן לָהּ וְאַחַר כָּךְ חָזְרָה הָאֵם עֲלֵיהֶן: If one sent away the mother and took the offspring and then returned them to the nest, and thereafter the mother returned and rested upon them, he is exempt from sending away the mother (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:7; *Shulḥan Arukh*, *Yoreh De'a* 292:5).

NOTES

If one said: I am hereby taking the mother and sending the offspring, he is obligated to send the mother, as it is stated: You shall send – הֲרֵינִי נוֹטֵל אֶת הָאֵם וּמְשַׁלֵּחַ אֶת הַבָּנִים חַיָּיב שֶׁנֶּאֱמַר שַׁלֵּחַ תְּשַׁלַּח: Some later commentaries maintain that if one takes the mother alone he has not violated the prohibition: "You shall not take the mother with the young" (Deuteronomy 22:6). This is because the prohibition is referring to one who takes "the mother with the young," but not one who takes the mother without the young. The *Ḥakham Tzvi* notes that the formulation of the mishna appears to support this as well, as the mishna mentions only the mitzva: "You shall send the mother" (Deuteronomy 22:7), in this case, but not the prohibition: "You shall not take the mother."

Others maintain that the early commentaries, such as Rashi and *Sefer HaḤinnukh*, indicate that they interpret the phrase "with the young" as describing the situation in which the mother is found, not as expressing that the prohibition applies only if both mother and offspring are taken. Therefore, they hold that the prohibition also applies when one takes the mother alone (*Minḥat Ḥinnukh*; *Devar Avraham*; *Aleh Yona*).

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גמ׳ אֲמַר לֵיהּ הָהוּא מְרַבָּנַן לְרָבָא, וְאֵימָא: ״שַׁלֵּחַ״ – חָדָא זִימְנָא, ״תְּשַׁלַּח״ – תְּרֵי זִימְנִין!

GEMARA The mishna teaches that if the mother bird returned to rest on the eggs, even if it returned four or five times, one is obligated to send it away again, as it is stated: "You shall send [*shalle'aḥ teshallaḥ*]." With regard to this, **one of the Sages said to Rava: But say** instead that the word "***shalle'aḥ***" indicates that one must send away the mother **once,** and the word "***teshallaḥ***" indicates that one must do so **twice,** and beyond that there is no obligation.

אֲמַר לֵיהּ: ״שַׁלֵּחַ״ – אַפִּילּוּ מֵאָה פְּעָמִים, ״תְּשַׁלַּח״ – אֵין לִי אֶלָּא לְדָבָר הָרְשׁוּת, לְדָבָר מִצְוָה מִנַּיִן? תַּלְמוּד לוֹמַר ״תְּשַׁלַּח״ – מִכָּל מָקוֹם.

Rava **said to him:** Actually, the *halakha* that one must send away the mother multiple times is not derived from the phrase "*shalle'aḥ teshallaḥ*." Rather, the word "***shalle'aḥ***" indicates that one must send away the mother bird **even one hundred times,** and the word "***teshallaḥ***" teaches another matter: **I have** derived **only** the obligation to send away the mother bird in a case where one takes the eggs or the fledglings and wants to take the mother bird **for a discretionary purpose,** e.g., to eat it. In a case where one takes the eggs or the fledglings and needs the mother bird **for a matter** involving **a mitzva,** e.g., the purification of a leper, **from where** is the *halakha* that he must send away the mother derived? **The verse states: "*Teshallaḥ*,"** to teach that **in any case** one must send away the mother bird.

אֲמַר לֵיהּ רַבִּי אַבָּא בְּרֵיהּ דְּרַב יוֹסֵף בַּר רָבָא לְרַב כָּהֲנָא: אֶלָּא טַעֲמָא דִּכְתַב רַחֲמָנָא ״תְּשַׁלַּח״, הָא לָאו הָכִי הֲוָה אָמֵינָא לְדָבָר מִצְוָה – לָא? עֲשֵׂה וְלֹא תַּעֲשֶׂה הוּא, וְאֵין עֲשֵׂה דּוֹחֶה לֹא תַּעֲשֶׂה וַעֲשֵׂה!

Rabbi Abba, son of Rav Yosef bar Rava, said to Rav Kahana: But according to this explanation, the only **reason** that one must send away the mother bird even when needed for a matter involving a mitzva is **that the Merciful One wrote: "*Teshallaḥ*"; but** if **not** for **this, I would say** that when the mother is needed **for a matter** involving **a mitzva,** one is **not** obligated to send her away. But this is difficult, as the sending of the mother bird **is** both **a positive mitzva and a prohibition,** as the verse states: "You shall not take the mother with the young; you shall send the mother" (Deuteronomy 22:6–7), **and** there is a principle that **a positive mitzva cannot override** both **a prohibition and a positive mitzva.**

לָא צְרִיכָא, דְּעָבַר וְשַׁקְלַהּ לָאֵם, דְּלָאו – עַבְרֵיהּ, עֲשֵׂה הוּא דְּאִיכָּא, לֵיתֵי עֲשֵׂה וְלִידְחֵי עֲשֵׂה – קָא מַשְׁמַע לָן.

Rav Kahana replied: **No,** the word "*teshallaḥ*" is **necessary** for a case **where one transgressed and took the mother** with the fledglings. In such a case, **he has** already **transgressed the prohibition,** and **there is** now only **a positive mitzva** to send away the mother. Perhaps one might say: **Let the positive mitzva** performed with the mother, e.g., the purification of the leper, **come and override the positive mitzva** of sending away the mother. Therefore, the word "*teshallaḥ*" **teaches us** that this is not so, and one is obligated to send away the mother.

הָנֵיחָא לְמַאן דְּאָמַר קִיְּימוּ וְלֹא קִיְּימוּ,

The Gemara notes: **This works out well according to the one who teaches** that the criterion for determining whether one is flogged for violating a prohibition that entails fulfillment of a positive mitzva is whether he **fulfilled** the mitzva immediately afterward **or did not fulfill it.** If he does not fulfill the mitzva immediately, he is flogged when he fails to do so. Consequently, if one does not send away the mother bird immediately after taking her with the fledglings, he has immediately violated the prohibition, and only the requirement to fulfill the positive mitzva remains.

אֶלָּא לְמַאן דְּאָמַר בִּטְּלוּ וְלֹא בִּטְּלוּ, כַּמָּה דְּלָא שְׁחָטָהּ – לָא עַבְרֵיהּ לְלָאו!

The Gemara continues: **But according to the one who teaches** that the criterion for determining whether one is flogged in that case is whether he **negated** the possibility of fulfilling the positive mitzva **or did not negate it,** and one is flogged only if he performed an action that renders it impossible to fulfill the mitzva, this explanation does not work out well. After all, **as long as one has not slaughtered** the mother bird, he **has not transgressed the prohibition,** since he may still send her away. Consequently, even if one takes the mother, as long as he has not slaughtered her, the prohibition remains in addition to the positive mitzva. If so, there is no need for the Torah to teach that the obligation to send away the mother bird applies in the case of a mitzva.

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וְתוּ, לְרַבִּי יְהוּדָה דַּאֲמַר ״שַׁלֵּחַ״ – מֵעִיקָּרָא מַשְׁמַע, אֲפִילּוּ עֲשֵׂה נַמִּי לֵיכָּא!

And furthermore, one may ask: **According to** the opinion of **Rabbi Yehuda, who said** that the word "***shalle'aḥ*" indicates** that the mitzva to send away the mother bird applies only **at the outset,** i.e., before taking the fledglings, one who takes the mother together with the fledglings violates both the prohibition and the positive mitzva associated with it, such that **even a positive mitzva does not** remain.

אֶלָּא אֲמַר מָר בַּר רַב אַשִׁי: כְּגוֹן שֶׁנְּטָלָהּ עַל מְנָת לְשַׁלֵּחַ, דְּלָאו – לֵיכָּא, עֲשֵׂה הוּא דְּאִיכָּא, וְלֵיתֵי עֲשֵׂה וְלִידְחֵי עֲשֵׂה.

Rather, Mar bar Rav Ashi said: The word "*teshallaḥ*" is necessary to indicate that the mitzva to send away the mother bird applies in a case **where one took her in order to send** her away immediately. In such a case, **there is no prohibition,** as one intends to send her away, but **there is** still **a positive** mitzva to send her away. **And** therefore, one might have said: **Let** another **positive mitzva,** e.g., taking the mother for the purification of a leper, **come and override the positive mitzva** of sending the mother. Therefore, the word "*teshallaḥ*" indicates that the mitzva of sending the mother bird applies even in such a case.

מַאי אוּלְמֵיהּ דְּהַאי עֲשֵׂה מֵהַאי עֲשֵׂה? סָלְקָא דַּעְתָּךְ, הוֹאִיל וַאֲמַר מָר: גָּדוֹל שָׁלוֹם שֶׁבֵּין אִישׁ לְאִשְׁתּוֹ, שֶׁהֲרֵי אָמְרָה תּוֹרָה: שְׁמוֹ שֶׁל הַקָּדוֹשׁ בָּרוּךְ הוּא שֶׁנִּכְתַּב בִּקְדוּשָּׁה יִמָּחֶה עַל הַמַּיִם,

The Gemara asks: **What is the strength of that** other **positive mitzva over this positive mitzva** of sending away the mother bird? Why might the former override the latter? The Gemara responds: It might **enter your mind** to say that **since the Master said: Great** is **peace between a man and his wife,**[N] **as the Torah said** that **the name of the Holy One, Blessed be He, which is written in sanctity, shall be erased on the waters** as part of the ritual of a woman suspected by her husband of adultery (see Numbers 5:23) in order to clear her from suspicion and restore peace between her and her husband, therefore, perhaps the *halakha* should be more lenient with regard to the leper.

וְהַאי מְצוֹרָע כֵּיוָן דְּכַמָּה דְּלָא מְטַהַר – אָסוּר בְּתַשְׁמִישׁ הַמִּטָּה, דִּכְתִיב ״וְיָשַׁב מִחוּץ לְאָהֳלוֹ שִׁבְעַת יָמִים״, ״אָהֳלוֹ״ – זוֹ אִשְׁתּוֹ, מִכָּאן שֶׁאָסוּר בְּתַשְׁמִישׁ הַמִּטָּה. מַהוּ דְּתֵימָא: כֵּיוָן דְּאָסוּר בְּתַשְׁמִישׁ הַמִּטָּה, לֵיתֵי עֲשֵׂה דִּידֵיהּ וְלִידְחֵי עֲשֵׂה דְּשִׁלּוּחַ הַקֵּן, קָא מַשְׁמַע לָן.

The Gemara explains: **And** with regard to **this leper, since as long as he is not purified he is prohibited from** engaging in **marital relations,**[H] **as it is written:** "**But he shall dwell outside his tent seven days**" (Leviticus 14:8), and when the verse states: "**His tent,**" **this** is referring to **his wife,** such that one may derive **from here that** a leper **is prohibited from** engaging in **marital relations,** perhaps his purification ceremony should take precedence. This is because **perhaps you** will **say: Since he is prohibited from** engaging in **marital relations, let his positive mitzva** of purification **come and override the positive mitzva of the sending** away **of** the mother bird from **the nest.** Therefore, the word "*teshallaḥ*" **teaches us** that even so, one may not take the mother bird.

מַתְנִי׳ הַנּוֹטֵל אֵם עַל הַבָּנִים – רַבִּי יְהוּדָה אוֹמֵר: לוֹקֶה וְאֵינוֹ מְשַׁלֵּחַ, וַחֲכָמִים אוֹמְרִים: מְשַׁלֵּחַ וְאֵינוֹ לוֹקֶה. זֶה הַכְּלָל: כָּל מִצְוֹת לֹא תַּעֲשֶׂה שֶׁיֵּשׁ בָּהּ קוּם עֲשֵׂה – אֵין לוֹקִין עָלֶיהָ.

MISHNA With regard to **one who takes the mother bird with** its **fledglings,**[H] **Rabbi Yehuda says: He is flogged** for taking the mother bird, **and** he **does not send** away the mother. **And the Rabbis say: He sends** away the mother **and is not flogged,** as **this is the principle:** With regard to **any prohibition that entails** a command to **arise** and **perform** a mitzva, **one is not flogged for its** violation.

גְּמ׳ בָּעֵי רַבִּי אַבָּא בַּר מֶמֶל: טַעְמָא דְּרַבִּי יְהוּדָה מִשּׁוּם דְּסָבַר לָאו שֶׁנִּיתַּק לַעֲשֵׂה – לוֹקִין עָלָיו.

GEMARA The mishna teaches that according to Rabbi Yehuda, one who takes the mother with the offspring is flogged. With regard to this, **Rabbi Abba bar Memel raises a dilemma: Is the reasoning** for the ruling **of Rabbi Yehuda that he holds** that **one is flogged for** violation of **a prohibition that entails** fulfillment **of a positive mitzva?** Accordingly, one is flogged for transgressing the prohibition: "You shall not take the mother with the young," which entails the fulfillment of: "You shall send the mother."

HALAKHA

Since as long as he is not purified he is prohibited from marital relations – כֵּיוָן דְּכַמָּה דְּלָא מְטַהַר אָסוּר בְּתַשְׁמִישׁ הַמִּטָּה: The leper is prohibited from engaging in sexual intercourse with his wife until he has counted seven days of purification, after the initial purification process, which includes his being sprinkled with the blood of the slaughtered bird, the live bird being sent away into the wild, having his hair cut, the laundering of his clothes, and his immersion (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:1).

One who takes the mother with its fledglings – הַנּוֹטֵל אֵם עַל הַבָּנִים: If one takes the mother bird with its fledglings and slaughters it, the meat may be eaten, and he is flogged for slaughtering the mother, as it is stated: "You shall not take the mother with the young" (Deuteronomy 22:6). Likewise, if the mother bird dies before he sends it away, he is flogged. If he sends it away after taking it, he is exempt. This ruling is in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:1; *Shulḥan Arukh*, *Yoreh De'a* 292:6).

NOTES

Great is peace between a man and his wife – גָּדוֹל שָׁלוֹם שֶׁבֵּין אִישׁ לְאִשְׁתּוֹ: Later commentaries note that although in this particular instance the word "*teshallaḥ*" (Deuteronomy 22:7) indicates that the mitzva of sending away the mother bird overrides that of the purification of a leper, in general a mitzva that contains an element of bringing peace between a man and his wife is considered more significant than other positive mitzvot that do not contain this element.

Because of this consideration, later authorities conclude that building a ritual bath, in which women will immerse in order to render themselves permitted to resume marital relations with their husbands, takes precedence over building a synagogue. They add that for the sake of bringing peace between a man and his wife, it is permitted to install a ritual bath in a room of a synagogue that was originally intended for prayer (*Iggerot Moshe*).

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BACKGROUND

Thief and robber – גַּנָּב וְגַזְלָן: *Halakha* distinguishes between different forms of wrongful acquisition. A robber [*gazlan*] openly takes his plunder by force, such that the owner is aware he is being robbed. If a robber is subsequently apprehended, he must return the object but suffers no further fines for his behavior. A thief [*ganav*] operates by stealth, such that the owner is unaware his property is being stolen. Should a thief be caught he is required to return the object and pay the owner a fine equal to the value of the item he stole (see Exodus 22:3).

אוֹ דִלְמָא: בְּעָלְמָא סָבַר לָאו שֶׁנִּיתַּק לַעֲשֵׂה – אֵין לוֹקִין עָלָיו, וְהָכָא הֵיינוּ טַעֲמָא, מִשּׁוּם דְּקָסָבַר ״שַׁלֵּחַ״ – מֵעִיקָּרָא מַשְׁמַע?

The second possibility is now presented: **Or perhaps in general** Rabbi Yehuda **holds** that **one is not flogged for** violation of **a prohibition that entails** fulfillment **of a positive mitzva; and here, this is the reason** one is flogged for taking the mother: It is **because he holds** that when the verse states: "You shall send the mother [*shalle'aḥ teshallaḥ*]" (Deuteronomy 22:7), the word ***"shalle'aḥ"* indicates** that the mitzva to sending the mother bird applies only **at the outset,** i.e., when encountering the nest. Accordingly, this is not a case of a prohibition that entails the performance of a positive mitzva, but an independent prohibition, for which one is liable to receive lashes.

תָּא שְׁמַע: גַּנָּב וְגַזְלָן יֶשְׁנָן בִּכְלַל מַלְקוּת, דִּבְרֵי רַבִּי יְהוּדָה. וְהָא הָכָא, דְּלָאו שֶׁנִּיתַּק לַעֲשֵׂה הוּא, דְּרַחֲמָנָא אָמַר ״לֹא תִגְזֹל״, ״וְהֵשִׁיב אֶת הַגְּזֵלָה״, שְׁמַע מִינָּהּ: טַעֲמָא דְּרַבִּי יְהוּדָה מִשּׁוּם דְּקָסָבַר לָאו שֶׁנִּיתַּק לַעֲשֵׂה לוֹקִין עָלָיו!

The Gemara suggests: **Come** and **hear** a resolution to the dilemma from that which is taught: **A thief and a robber**[B] **are included among** those who are liable to receive **lashes** by Torah law. A thief violates the prohibition of: "You shall not steal" (Leviticus 19:11), and a robber violates the prohibition of: "You shall not rob" (Leviticus 19:13); this is **the statement of Rabbi Yehuda.** The Gemara continues: **But here,** the prohibition against robbing **is a prohibition that entails** fulfillment **of a positive mitzva, as the Merciful One states: "You shall not rob"** (Leviticus 19:13), and: **"And he shall restore the robbed item"** (Leviticus 5:23). And nevertheless, Rabbi Yehuda deems one liable to receive lashes for transgressing the prohibition against robbing. Therefore, **conclude from it** that **the reasoning** of the ruling **of Rabbi Yehuda** in the mishna is **that he holds** that **one is flogged for** violation of **a prohibition that entails** fulfillment **of a positive mitzva.**

אֲמַר לֵיהּ רַבִּי זֵירָא: לָאו אָמִינָא לְכוּ, כָּל מַתְנִיתָא דְּלָא תַּנְיָא בֵּי

Rabbi Zeira said to him: Didn't I already **tell you** that **any *baraita* that is not taught** in the study **hall**

Perek **XII**
Daf **141** Amud **b**

רַבִּי חִיָּיא וּבֵי רַבִּי אוֹשַׁעְיָא – מְשַׁבַּשְׁתָּא הִיא, וְלָא תּוֹתְבוּ מִינָּהּ בֵּי מִדְרְשָׁא, דִּלְמָא ״אֵינָהּ בִּכְלַל מַלְקוּת אַרְבָּעִים״ תַּנְיָא.

of **Rabbi Ḥiyya or** the study **hall** of **Rabbi Oshaya,** who were precise in the formulation of their *baraitot,* **is corrupted, and you may not raise objections** based **upon it** in **the study hall?** Since this *baraita* was not taught in either of the aforementioned study halls, you may not cite it as proof. After all, **perhaps** the phrase: **Are not included among** those who are liable to receive **forty lashes** by Torah law, **was taught** by Rabbi Yehuda in the *baraita,* but the text was corrupted. It is therefore possible that according to Rabbi Yehuda, one is not flogged for violation of a prohibition that entails fulfillment of a positive mitzva, and his reasoning of his ruling in the mishna is that the word "*shalle'aḥ*" indicates that the mitzva to send away the mother bird applies only at the outset.

תָּא שְׁמַע: דְּתָנֵי רַבִּי אוֹשַׁעְיָא וְרַבִּי חִיָּיא: ״לֹא תָשׁוּב״ – וְשָׁב, ״לֹא תְכַלֶּה״ – וְכִלָּה, יֶשְׁנָן בִּכְלַל מַלְקוּת אַרְבָּעִים, דִּבְרֵי רַבִּי יְהוּדָה.

The Gemara suggests: **Come** and **hear** a resolution from that **which is taught** in a *baraita* by **Rabbi Oshaya and Rabbi Ḥiyya:** It is written with regard to forgotten sheaves left for the poor: "When you reap your harvest in your field and forget a sheaf in the field, **you shall not return** to fetch it" (Deuteronomy 24:19). If one transgressed this prohibition **and** one **returned** to fetch it, he is liable to receive lashes. Likewise, it is written with regard to produce in the corner of the field [*pe'a*], which is given to the poor: "And when you reap the harvest of your land, **you shall not wholly reap** the corner of your field" (Leviticus 19:9). If one transgressed this prohibition **and reaped** the corner of his field, such individuals **are included among** those who are liable to receive **lashes** by Torah law. This is **the statement of Rabbi Yehuda.**

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שְׁמַע מִינָּהּ: טַעְמֵיהּ דְּרַבִּי יְהוּדָה מִשּׁוּם דְּקָסָבַר לָאו שֶׁנִּיתַּק לַעֲשֵׂה – לוֹקִין עָלָיו!

The Gemara concludes the resolution: Since the mitzvot of leaving *pe'a* and forgotten sheaves are prohibitions that entail fulfillment of a positive mitzva, as the verse states with regard to both of them: "For the poor and for the stranger you shall leave them" (Leviticus 19:10), **conclude from** the *baraita* that **the reasoning** of the ruling **of Rabbi Yehuda** in the mishna is **that he holds** that **one is flogged for** violation of **a prohibition that entails** fulfillment **of a positive mitzva.**

דִּילְמָא: הָתָם הֵיינוּ טַעַם דְּקָסָבַר "תַּעֲזוֹב" מֵעִיקָּרָא מַשְׁמַע.

The Gemara rejects this: **Perhaps there,** with regard to *pe'a* and forgotten sheaves, **this is** the **reason** that Rabbi Yehuda deems one liable to receive lashes: **Because he holds** that the positive mitzva: "For the poor and for the stranger **you shall leave** them," **indicates** that these mitzvot apply only **at the outset.** Accordingly, these are not cases of prohibitions that entail fulfillment of a positive mitzva, but of independent prohibitions. Similarly, it is possible that the reasoning of the ruling of Rabbi Yehuda in the mishna is that the mitzva of the sending away of the mother bird applies only at the outset.

אֲמַר לֵיהּ רָבִינָא לְרַב אַשִׁי: תָּא שְׁמַע, "לֹא תוֹתִירוּ מִמֶּנּוּ עַד בֹּקֶר וגו' בָּאֵשׁ תִּשְׂרֹפוּ" – בָּא הַכָּתוּב לִיתֵּן עֲשֵׂה אַחַר לֹא תַעֲשֶׂה, לוֹמַר לְךָ שֶׁאֵין לוֹקִין עָלָיו, דִּבְרֵי רַבִּי יְהוּדָה.

Ravina said to Rav Ashi: Come and **hear** a resolution from that which is taught in a *baraita*: The verse states with regard to the Paschal offering: "**You shall let nothing of it remain until the morning;** but that which remains of it until the morning **you shall burn in fire"** (Exodus 12:10). **The verse comes to position the positive mitzva** of burning the leftover meat **after** the **prohibition** against leaving over the meat, in order **to say that one is not flogged for its** violation; this is **the statement of Rabbi Yehuda.**

שְׁמַע מִינָּהּ: טַעֲמָא דְּרַבִּי יְהוּדָה מִשּׁוּם דְּקָסָבַר "שַׁלֵּחַ" – מֵעִיקָּרָא מַשְׁמַע. שְׁמַע מִינָּהּ.

Ravina continued: **Conclude from** the *baraita* that according to Rabbi Yehuda, one is not flogged for violation of a prohibition that entails fulfillment of a positive mitzva, and that **the reasoning** of the ruling **of Rabbi Yehuda** in the mishna is **that he holds** that the word ***"shalle'aḥ"* indicates** that the mitzva to send away the mother applies only **at the outset.** Consequently, the prohibition against taking the mother with the offspring is not one that entails fulfillment of a positive mitzva, but an independent prohibition that is punishable by lashes. The Gemara concedes: **Conclude from** it that this is the reasoning of Rabbi Yehuda.

אֲמַר לֵיהּ רַב אִידִי לְרַב אַשִׁי: מַתְנִיתִין נַמִי דַּיְקָא, דְּקָתָנֵי "הַנּוֹטֵל אֵם עַל הַבָּנִים – רַבִּי יְהוּדָה אוֹמֵר: לוֹקֶה וְאֵין מְשַׁלֵּחַ". וְאִי סָלְקָא דַּעְתָּךְ טַעֲמָא דְּרַבִּי יְהוּדָה לָאו שֶׁנִּיתַּק לַעֲשֵׂה לוֹקִין עָלָיו, "לוֹקֶה וּמְשַׁלֵּחַ" מִבָּעֵי לֵיהּ!

Rav Idi said to Rav Ashi: The language of **the mishna is also precise, as it teaches:** With regard to **one who takes the mother with the offspring, Rabbi Yehuda says: He is flogged and there is no** longer a mitzva to **send** away the mother. **But if** it **enters your mind** to say that **the reasoning** of the ruling **of Rabbi Yehuda** in the mishna is that **one is flogged for** violation of **a prohibition that entails** fulfillment **of a positive mitzva,** then Rabbi Yehuda **should have** said: **He is flogged and sends** away the mother. Rather, conclude that according to Rabbi Yehuda, this is not a prohibition that entails fulfillment of a positive mitzva.

וְדִילְמָא הָכִי קָאָמַר בְּמַתְנִיתִין: אֵין נִפְטָר – עַד דְּמַלְקִין לֵיהּ.

The Gemara rejects this: One cannot infer anything from the language of the mishna, since **perhaps this** is what Rabbi Yehuda **is saying in the mishna:** There is still a mitzva to send away the mother, but **one is not absolved** of guilt for transgressing the prohibition against taking the mother **until** the court **flogs him.**

עַד כַּמָּה מְשַׁלְּחָהּ? אָמַר רַב יְהוּדָה: כְּדֵי שֶׁתֵּצֵא מִתַּחַת יָדוֹ. כַּמָּה מְשַׁלְּחָהּ? רַב הוּנָא אָמַר: בְּרַגְלֶיהָ, רַב יְהוּדָה אָמַר: בַּאֲגַפֶּיהָ. רַב הוּנָא אָמַר בְּרַגְלֶיהָ, דִּכְתִיב "מְשַׁלְּחֵי רֶגֶל הַשּׁוֹר וְהַחֲמוֹר", רַב יְהוּדָה אָמַר בַּאֲגַפֶּיהָ, דְּהָא כְּנָפֶיהָ נִינְהוּ.

§ The mishna teaches that according to the Rabbis, if one transgressed the mitzva and took the mother bird with the young, one must send away the mother. The Gemara asks: **How far** from the nest must he **send her?**[H] **Rav Yehuda says:** Far **enough that she leaves his grasp**[N] and can no longer be caught immediately. The Gemara asks: **In what** manner **does** he **send her**[N] away? **Rav Huna says:** He holds the mother **by her feet** and sends her away. **Rav Yehuda says:** He holds her **by her wings** [***baagappeha***][L] and sends her away. The Gemara elaborates: **Rav Huna says** that one holds the mother **by her feet, as it is written: "That send forth freely the feet of the ox and the donkey"** (Isaiah 32:20), indicating that the sending of an animal is associated with its feet. **Rav Yehuda says** that one holds her **by her wings, because** the feet of the mother bird **are her wings,** as it is by means of her wings that she moves about.

HALAKHA

How far from the nest must he send her – עַד כַּמָּה מְשַׁלְּחָהּ: One must send away the mother bird such that she leaves his grasp, and after that he may take the offspring (*Shulḥan Arukh*, *Yoreh De'a* 292:4; see Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:7 and *Kesef Mishne* there).

NOTES

Enough that she leaves his grasp – כְּדֵי שֶׁתֵּצֵא מִתַּחַת יָדוֹ: Some later commentaries explain that the reason for this measure is that a mother bird resting on her young is not inclined to leave her nest. Since her eggs or fledglings are in the nest, she will not be distracted from it, even if a person comes and attempts to drive her away from it. Therefore, one must force her far enough away from the nest that she leaves his grasp altogether, in order to cause her to be distracted from her focus upon the nest. Any distance that is closer than that will not fulfill the mitzva of sending away the mother bird (*Ḥazon Ish*).

These later commentaries interpret the phrase: Leaves his grasp, to mean that the bird is beyond his control, such that even if he wanted to seize her again immediately, he could not do so. Therefore, as long as he is capable of seizing her again immediately, he has not sent her away. They also maintain that one need not take the bird in one's hand in order to fulfill the mitzva of sending her away. As long as he forces her away from the nest in some manner, such as striking the nest to frighten the mother bird away, and causes her to flee far enough that she leaves his grasp, he has fulfilled the mitzva properly (*Ḥazon Ish*). Others maintain that to fulfill the mitzva, one must take the bird by the wings with his own hands and compel her to fly away from the nest, as is indicated by the formulation of the Rambam (*Yosef Da'at*).

In what manner does he send her – בְּמָה מְשַׁלְּחָהּ: Various interpretations of this phrase have been suggested by the commentaries. One interpretation is that the Gemara is asking which part of the bird's body one should hold when sending it away. Rav Huna then answers that one should hold the feet, while Rav Yehuda says one should hold the wings (Rashi's first interpretation). This interpretation is somewhat difficult, because a bird is unlike an animal that walks on its legs. Therefore, the verse cited by Rav Huna with regard to animals is not entirely relevant.

A second interpretation is that the question relates to the condition of the bird being sent. Accordingly, Rav Huna's opinion is that the sending is valid even if the bird can utilize only its feet for escape, while Rav Yehuda's opinion is that the bird must be capable of utilizing its wings for the sending to be valid. This interpretation is supported by the fact that immediately following this dispute the Gemara cites the incident in which Rav Yehuda tells the man who clipped the mother bird's wings that he must send the bird only after its wings grow back. Consequently, the Gemara may be indicating that Rav Yehuda followed his opinion in practice, as in Rav Huna's opinion the man could have sent the bird away immediately in order to fulfill the mitzva (Rashi's second interpretation).

LANGUAGE

Wing [*agaf*] – אַגַּף: The Aramaic word *agaf*, similar to the Aramaic word *gaf*, refers to the wing when used in relation to birds, and to the arm when used in relation to other animals.

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HALAKHA

A certain person clipped a mother bird's wing and sent it and thereafter caught it – הַהוּא דְּגָזִינְהוּ לְגַפָּהּ וְשִׁלְחָהּ וְאַחַר כָּךְ תְּפָשָׂהּ: If one took the mother bird with the young and clipped its wings in order to prevent it from flying, and then sent it away, he is flogged with rabbinic lashes for rebelliousness. In addition, he must wait until its wings grow back and then send it away again. If it died or was lost before that, he is flogged, as he cannot fulfill the relevant positive mitzva, in accordance with Rav Yehuda's ruling and the Gemara's explanation (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:4; *Shulḥan Arukh*, *Yoreh De'a* 292:4).

Pigeons of a dovecote and pigeons of an attic are subject to the obligation of sending the mother – יוֹנֵי שׁוֹבָךְ וְיוֹנֵי עֲלִיָּיה חַיָּיבוֹת בְּשִׁלּוּחַ: Pigeons from a dovecote or an attic are subject to the obligation of sending away the mother from the nest (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 292:2).

Pigeons of a dovecote and pigeons of an attic… but they are subject to the prohibition of robbery – יוֹנֵי שׁוֹבָךְ וְיוֹנֵי עֲלִיָּיה...וַאֲסוּרוֹת מִשּׁוּם גֵּזֶל: The Sages instituted an ordinance prohibiting the practice of flying pigeons, as it is akin to robbery. This practice entails flying a male pigeon through an area where pigeons live in dovecotes in people's courtyards in order to attract female pigeons, or flying a female pigeon to attract the male pigeons to her. All of the pigeons are subsequently captured by the robber, who takes for himself these birds that were commonly accepted as belonging to others. This ordinance applies not only to pigeons, but to other birds and animals as well (Rambam *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 6:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 370:1).

NOTES

Lashes for rebelliousness – מַכַּת מַרְדּוּת: Similar to the penalty of lashes cited in the Torah, the Sages instituted rabbinic lashes for rebelliousness as a punishment for those who rebel against Torah decrees as well as rabbinic prohibitions.

In the Jerusalem Talmud some of the differences between the two types of lashes are noted. The penalty of lashes by Torah law is always no more than thirty-nine lashes, and is administered only based upon a medical assessment of how many lashes the violator's body can tolerate. On the other hand, rabbinic lashes for rebelliousness have no fixed number, and the violator is flogged until he agrees not to violate the precept he transgressed or until he dies.

The *ge'onim* note additional differences. Lashes by Torah law are administered only for specific transgressions and are administered only under the jurisdiction of ordained Sages. The specific transgressions warranting lashes by Torah law are prohibitions whose violation requires action, although there are exceptions, such as prohibitions that can lead to court-imposed capital punishment, prohibitions written in a very general sense, and prohibitions that entail fulfillment of a positive mitzva. On the other hand, rabbinic lashes for rebelliousness may be administered against various types of transgressors, including those who refuse to perform positive mitzvot or to adhere to rabbinic decrees or ordinances. In addition, ordained Sages are not required for the execution of rabbinic lashes for rebelliousness.

הַהוּא דְּגָזִינְהוּ לְגַפָּהּ, וְשִׁלְחָהּ, וְאַחַר כָּךְ תְּפָשָׂהּ. נִגְּדֵיהּ רַב יְהוּדָה. אֲמַר לֵיהּ: זִיל רַבִּי לָהּ גַּדְפֵּיהּ, וְשַׁלְחָהּ!

§ The Gemara relates: **A certain** person **clipped** a mother bird's **wing and sent it** away **and thereafter caught it.**[H] **Rav Yehuda flogged him** for transgressing the prohibition: "You shall not take the mother with the young" (Deuteronomy 22:6). Rav Yehuda also **said to him: Go** and let **its wings grow** back **and** then **send it** away.

כְּמַאן? אִי כְּרַבִּי יְהוּדָה – לוֹקֶה וְאֵין מְשַׁלְּחִין! אִי כְּרַבָּנָן – מְשַׁלְּחִין וְאֵין לוֹקִין! לְעוֹלָם כְּרַבָּנָן, וּמַכַּת מַרְדּוּת מִדְּרַבָּנָן.

The Gemara asks: **In accordance with whose** opinion did Rav Yehuda act in this case? **If** he acted **in accordance with** the opinion of **Rabbi Yehuda,** then there was no need to send away the mother, because according to Rabbi Yehuda, **he is flogged** for taking the mother bird, **and** he **does not send** away the mother. **If** he acted **in accordance with** the opinion of **the Rabbis,** then he should not have flogged this individual, since according to the Rabbis, **he sends** away the mother **and is not flogged.** The Gemara responds: **Actually,** he acted **in accordance with** the opinion of **the Rabbis, and** the lashes administered by Rav Yehuda were not for transgressing a Torah prohibition; rather, they were **rabbinic lashes for rebelliousness** [***umakkat mardut***],[NL] as this individual acted inappropriately.

הַהוּא דַּאֲתָא לְקַמֵּיהּ דְּרָבָא, אֲמַר לֵיהּ: תֵּימָה מַהוּ? אֲמַר: לָא יָדַע הַאי גַּבְרָא דְּעוֹף טָהוֹר חַיָּיב לְשַׁלּוּחֵי? אֲמַר לֵיהּ: דִּילְמָא חֲדָא בֵּיעֲתָא הוּא דְּרָמְיָא. אֲמַר לֵיהּ: הַאי יָדְעִי לָךְ, מַתְנִיתִין הִיא: אֵין שָׁם אֶלָּא אֶפְרוֹחַ אֶחָד אוֹ בֵּיצָה אַחַת – חַיָּיב לְשַׁלֵּחַ.

The Gemara relates that **a certain** man **came before Rava** and **said to him: What is** the *halakha* with regard to a certain kosher bird known as the ***teima*?** Is it included in the mitzva of sending away the mother bird from the nest? Rava **said: Doesn't this man know that** with regard to any **kosher bird one is obligated to send** away the mother? The man responded: Nevertheless, I am uncertain with regard to the *halakha*. Rava **said to him: Perhaps** you are uncertain about a case where **a single egg is placed** in the nest, since the Torah states: "Upon the fledglings or upon the eggs" (Deuteronomy 22:6). The man replied in the affirmative. Rava **said to him: That** too should be **known to you,** as **it is** stated in **the mishna** (140b): Even if **there is only one fledgling or one egg,** one is **obligated to send** away the mother.

שִׁלְּחָהּ, וְאַהֲדַר לָהּ רָבָא פְּרִסְתְּקֵי וּתְפָסָהּ. וְלִיחוּשׁ לַחֲשָׁדָא! כְּלִאַחַר יָד.

The man **sent** away the bird, **and Rava** then **surrounded her with nets** [***perastekei***][L] **and caught her.** The Gemara asks: **But shouldn't** Rava **be concerned about** arousing **suspicion** that he required the sending away of the bird only so that he might catch it for himself? The Gemara responds: The nets were positioned far from the nest **in an unusual manner** that did not arouse suspicion.

תָּנוּ רַבָּנָן: יוֹנֵי שׁוֹבָךְ וְיוֹנֵי עֲלִיָּיה – חַיָּיבוֹת בְּשִׁלּוּחַ, וַאֲסוּרוֹת מִשּׁוּם גֵּזֶל, מִפְּנֵי דַּרְכֵי שָׁלוֹם.

§ **The Sages taught** in a *baraita*: **Pigeons of a dovecote and pigeons of an attic are subject to the obligation of sending** away the mother[H] bird, because they are ownerless and therefore not considered readily available. **But** nevertheless, **they are subject to the prohibition of robbery**[H] **due** to a rabbinic ordinance to maintain **the ways of peace.**[B]

LANGUAGE

Lashes for rebelliousness [*makkat mardut*] – מַכַּת מַרְדּוּת: While the word *makkat* clearly refers to lashes, the word *mardut* has various interpretations. Some claim it is derived from the root *mem*, *reish*, *dalet*, meaning rebellion, and interpret the phrase as: Lashes for rebelliousness, which rebels receive for their offenses (see the commentaries on I Samuel 20:30). Others interpret *mardut* as relating to torment and suffering. Consequently, the phrase *makkat mardut* would mean lashes meted out in order to torment and subdue the sinner.

Nets [*perastekei*] – פְּרִסְתְּקֵי: This word, used here to refer to nets composed of ropes, appears as *peraskei* in the *Arukh*. Some commentaries interpret the word to mean ropes or chains.

BACKGROUND

Ways of peace – דַּרְכֵי שָׁלוֹם: This is a general term that refers to many rabbinic ordinances instituted in order to foster peace and to prevent strife and controversy. There are three circumstances in which such ordinances would apply: (1) In some monetary cases, the Sages prohibited taking property from a person even when that person does not possess full formal legal ownership of the property. (2) The Sages permitted certain lenient practices in dealings with a common, uneducated person, in order to prevent division between Torah scholars and the common people. (3) The Sages instructed that charity be given to the gentile poor together with the Jewish poor to foster peaceful relations with gentiles. Similarly, the Sages instituted other practices to reduce friction between communities and nations.

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וְאִי אִיתָא לְהָא דַּאֲמַר רַבִּי יוֹסֵי בַּר רַבִּי חֲנִינָא: חֲצֵרוֹ שֶׁל אָדָם קוֹנָה לוֹ שֶׁלֹּא מִדַּעְתּוֹ, קְרֵי בָּאן ״כִּי יִקָּרֵא״ – פְּרָט לַמְּזוּפָּן!

The Gemara objects: **But if it is so that this** ruling is correct **that Rabbi Yosei, son of Rabbi Ḥanina, says,** i.e., that **a person's courtyard effects acquisition for him** of an item placed in it even **without his knowledge,** then a dovecote or attic will effect acquisition for its owner of any eggs inside them. Accordingly, one should **apply here** the principle that the mitzva to send away the mother bird from the nest applies only in the case described in the verse: "**If** a bird's nest **happens** before you" (Deuteronomy 22:6), which **excludes** from the mitzva a bird or egg readily **available** in one's home. Yet the *baraita* rules that the mitzva does apply in this case.

אָמַר רַב: בֵּיצָה – עִם יְצִיאַת רוּבָּהּ הוּא דְּאִתְחַיֵּיב בְּשִׁלּוּחַ, מִקְּנָא לָא קָנֵי – עַד דְּתִפּוֹל לַחֲצֵרוֹ, וְכִי קָתָנֵי ״חַיָּיבוֹת בְּשִׁלּוּחַ״ – מִמַּקְמֵי דְּתִפּוֹל לַחֲצֵרוֹ.

Rav says: It is **from** the time of the **emergence of the majority of an egg** from a mother bird's body **that** one **becomes obligated to send** away the mother from the nest. On the other hand, the owner of a courtyard **does not acquire** the egg **until it** fully emerges and **falls into his courtyard. And** therefore, **when** the *baraita* **teaches** that in the case of the pigeons in a dovecote or an attic, they are **subject to the obligation of sending** away the mother bird, it is referring to a time **before** the egg **falls into his courtyard.**

אִי הָכִי, אַמַּאי אֲסוּרוֹת מִשּׁוּם גְּזֵל? אַאִמָּם. וְאִיבָּעֵית אֵימָא: לְעוֹלָם אַבֵּיצָה, וּבֵיצָה כֵּיוָן דְּנָפֵיק לֵיהּ רוּבָּא – דַּעְתֵּיהּ עֲלֵיהּ.

The Gemara asks: **If that is so,** that the *baraita* is referring to a case where the egg has not fully emerged, **why** does the *baraita* rule that the eggs **are forbidden** by rabbinic law for others to take **due to** the prohibition of **robbery?** The eggs have not yet been acquired by the owner of the courtyard. The Gemara answers: That ruling of the *baraita* is referring **to their mother,** i.e., the mother bird. **Or, if you wish, say** instead: **Actually,** that ruling is referring **to the egg. And** the reason the Sages rendered it prohibited to take the eggs due to the prohibition of robbery is that **once the majority of an egg emerges** from the body of the mother bird, the owner's **mind is upon** the eggs to acquire them, although technically he will not acquire them until they fully emerge.

וְהָשְׁתָּא דַּאֲמַר רַב יְהוּדָה אֲמַר רַב: אָסוּר לִזְכוֹת בְּבֵיצִים שֶׁהָאֵם רוֹבֶצֶת עֲלֵיהֶן, שֶׁנֶּאֱמַר ״שַׁלֵּחַ...אֶת הָאֵם״ וְהַדַּר ״הַבָּנִים תִּקַּח לָךְ״, אַפִּילּוּ תֵּימָא: אַף עַל גַּב דְּנָפַל לַחֲצֵרוֹ, כָּל הֵיכָא דְּאִיהוּ מָצֵי זָכֵי – חֲצֵרוֹ נַמִּי זָכְיָא, וְכָל הֵיכָא דְּאִיהוּ לָא מָצֵי זָכֵי – חֲצֵרוֹ נַמִּי לָא זָכְיָא לֵיהּ.

The Gemara adds: **And now that Rav Yehuda said** that **Rav said: It is prohibited to acquire eggs whose mother is resting upon them, as it is stated:** "You shall **send the mother,**" **and** only **then: "The young you may take for yourself"** (Deuteronomy 22:7), **you** may **even say: Even though** the eggs fully emerged and **fell into his courtyard,** he must still send away the mother bird. This is because in **any case in which** a courtyard owner **is capable of acquiring** an item by himself, **his courtyard can also effect acquisition** of it for him. **But** in **any case** in which **he is incapable of acquiring** an item by himself, **his courtyard cannot effect acquisition** of it **for him either.** Since one is incapable of acquiring the eggs so long as the mother bird is resting upon them, one's property does not acquire the eggs for him even if they have already fallen into it.

אִי הָכִי, אַמַּאי אֲסוּרוֹת מִפְּנֵי דַּרְכֵי שָׁלוֹם? אִי דְּשִׁלְּחָהּ – גְּזֵל מִעַלְיָא הוּא! אִי דְּלָא שִׁלְּחָהּ – שִׁלּוּחֵי בָּעֵי!

The Gemara asks: **If that is so,** that the *baraita* is referring to a case where the courtyard cannot effect acquisition of the eggs for him, **why** does the *baraita* rule: **They are subject to the prohibition** only **due to** the rabbinic ordinance to maintain **the ways of peace? If** one **sent** away the mother bird before taking the eggs, then **it is full-fledged robbery** by Torah law, since the courtyard has effected acquisition of the eggs on behalf of its owner, and **if** one **did not send** away the mother bird, **he needs to send** her away before it is permitted to take the eggs. Either way, one will have transgressed Torah law and not a rabbinic prohibition.

בְּקָטָן. קָטָן בַּר דַּרְכֵי שָׁלוֹם הוּא? הָכִי קָאָמַר: אָבִיו שֶׁל קָטָן חַיָּיב לְהַחֲזִיר לוֹ, מִפְּנֵי דַּרְכֵי שָׁלוֹם.

The Gemara answers: The *baraita* is referring **to** a case where **a minor** took the eggs without sending away the mother. A minor is not obligated in the mitzva of sending away the mother bird. The Gemara asks: **Is a minor subject to** a rabbinic ordinance concerning robbery enacted to maintain **the ways of peace?** The Gemara responds: **This** is what the latter clause of the *baraita* **is saying: The father of a minor** who took such eggs **is obligated to return** them **to** the owner of the dovecote or attic, **due to** the rabbinic prohibition concerning robbery instituted to maintain **the ways of peace.**

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לֵוִי בַּר סִימוֹן אַקְנֵי פֵּירוֹת שׁוֹבְכוֹ לְרַב יְהוּדָה, אֲתָא לְקַמֵּיהּ דִּשְׁמוּאֵל, אֲמַר לֵיהּ: זִיל טְרוֹף אַקֵּן, דְּלִיתְגַּבְּהוּ, וּקְנֵינְהוּ.

§ The Gemara relates an additional incident with regard to pigeons of a dovecote that were discussed above: **Levi bar Simon transferred ownership of the produce of his dovecote,** i.e., the fledglings and the eggs contained in it, **to Rav Yehuda.** Rav Yehuda **came before Shmuel** and told him of his acquisition. Shmuel **said to him: Go, bang on the nest,** i.e., the dovecote, so **that** the fledglings **will rise up and you will acquire them.**[N]

לְמַאי? אִי לְמִקְנָא – לְקָנְינְהוּ לֵיהּ בְּסוּדָּר! אִי בְּיוֹם טוֹב

The Gemara asks: **For what** purpose did Shmuel tell Rav Yehuda to do this? **If** he meant for Rav Yehuda **to** finalize the **acquisition** so that Levi bar Simon could not retract, **let** him do so **through** acquisition by means of **a cloth.** There is no need for him to bang on the dovecote. **If** this incident occurred on the eve of a Festival, and Rav Yehuda came to ask what action to take in order to render the birds permitted for slaughter on the **Festival,** then banging on the dovecote should not be necessary,

NOTES

Go bang on the nest so that the fledglings will rise up and you will acquire them – זִיל טְרוֹף אַקֵּן דְּלִיתְגַּבְּהוּ וּקְנֵינְהוּ: Rashi explains that the Gemara initially assumes that according to Shmuel, the fledglings are acquired via the acquisition of lifting. By contrast, the conclusion on the next *amud* is that they are acquired via the courtyard. Nevertheless, early commentaries inferred two aspects of the *halakhot* of the acquisition of lifting from the Gemara's initial assumption. The first is that lifting by hand is not required for this acquisition. Rather, raising the object as a result of one's action is sufficient, as Shmuel ruled that Rav Yehuda should simply bang on the nest, causing the fledglings to raise themselves up, in order to effect the acquisition. The second aspect is that the raising of an object for acquisition need not be three handbreadths high, as in the example with Rabbi Yehuda banging on the nest would not create sufficient force to cause the fledglings to rise up three handbreadths (Ritva).

Perek **XII**
Daf **142** Amud **a**

בְּעוֹמֵד וְאוֹמֵר ״זֶה וְזֶה אֲנִי נוֹטֵל״ סָגְיָא! הָנָהוּ פֵּירֵי חֲדַתְּיֵי הָווּ, דְּלֵוִי בַּר סִימוֹן גּוּפֵיהּ לָא הֲוָה קָנֵי לְהוּ. וְהָכִי קָאָמַר לֵיהּ: זִיל וְטָרֵיף אַקֵּן, דְּלִיתְגַּבְּהוּ, וְנֵיקְנְינְהוּ לֵוִי בַּר סִימוֹן, וְהַדַּר לֵיקְנְינְהוּ נִיהֲלָךְ בְּסוּדָּר.

because **by standing** on the eve of the Festival **and saying: This** bird **and that** bird **I will take** on the Festival, he would have effected **sufficient** preparation[N] for their use on the Festival. The Gemara responds: **These,** the offspring and the eggs, **were new produce, which Levi bar Simon himself had not** yet **acquired. And this** is what Shmuel was **saying to him: Go and bang on the nest** so **that** the mothers **will rise up, and Levi bar Simon will** have then **acquired** the young[N] in the nest, **and** consequently, **he** may **then transfer ownership to you through** acquisition by means of **a cloth.**

HALAKHA

A person may not take the mother bird with the offspring even to purify the leper – לֹא יִטּוֹל אָדָם אֵם עַל בָּנִים אֲפִילּוּ לְטַהֵר אֶת הַמְצוֹרָע: It is prohibited to take the mother bird with the offspring, even to use for the mitzva of purifying the leper. If one did take the mother bird, he is obligated to send it away. If he did not send it away he is flogged (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 13:19).

BACKGROUND

***Issar* – אִיסָּר:** The *issar* is a brass coin, among the smallest coins that was in circulation at the time of the Mishna. Similar to the *peruta*, it often serves as the default value for items of negligible value. In the monetary system employed at that time, the *issar* was worth more than the *peruta*, as there were eight *perutot* to an *issar*. It was equal to one half of a *pundeyon* and one twenty-fourth of a dinar. Its weight was approximately 0.2 g.

מתני׳ לֹא יִטּוֹל אָדָם אֵם עַל בָּנִים, אֲפִילּוּ לְטַהֵר אֶת הַמְצוֹרָע. וּמָה אִם מִצְוָה קַלָּה שֶׁהִיא בְּאִיסָּר אָמְרָה תּוֹרָה ״לְמַעַן יִיטַב לָךְ וְהַאֲרַכְתָּ יָמִים״, קַל וָחוֹמֶר עַל מִצְוֹת חֲמוּרוֹת שֶׁבַּתּוֹרָה.

MISHNA

A person may not take the mother bird **with the offspring even** if he takes the mother for use as part of the ritual **to purify the leper.**[HN] The mishna compares the reward for performing the mitzva of sending away the mother bird from the nest to the reward for performing other mitzvot: **And if** with regard to the sending away of the mother bird, which is **a mitzva** whose performance is **simple, as** it entails a loss of no more than **an *issar*,**[B] i.e., the value of the mother bird, **the Torah says:** "**That it may be well with you, and that you may prolong your days**" (Deuteronomy 22:7), it may be derived by ***a fortiori*** inference that the reward is no less **for** the fulfillment **of the mitzvot in the Torah** whose performance is **demanding.**

NOTES

By standing and saying: This bird and that bird I will take on the Festival, he would have effected sufficient preparation – בְּעוֹמֵד וְאוֹמֵר זֶה וְזֶה אֲנִי נוֹטֵל סָגְיָא: Rashi notes that this statement is in accordance with the opinion of Beit Hillel elsewhere (*Beitza* 10a).

So that the mothers will rise up and Levi bar Simon will have acquired the young – דְּלִיתְגַּבְּהוּ וְנֵיקְנְינְהוּ לֵוִי בַּר סִימוֹן: Until that point the mother had been continuously resting upon the eggs and fledglings, such that the courtyard of Levi bar Simon could not acquire them for him, in accordance with the statement of Rabbi Yosei bar Rabbi Ḥanina earlier (141a). The Gemara's conclusion here is that Shmuel's instruction is to bang on the nest so that the mother rises out of fear. At that time, Levi will automatically acquire the eggs contained in the nest.

Even to purify the leper – אֲפִילּוּ לְטַהֵר אֶת הַמְצוֹרָע: A leper brings two birds for his purification ritual, one of which is slaughtered, and the other of which is sent away. The mishna rules that a mother bird resting on her young may not be one of those birds. One might claim that perhaps this *halakha* applies only with regard to using the bird as the one to be slaughtered, but such a bird may be used as the one sent away. Since in any event one of the leper's birds is sent away, just as the mother bird is sent away, perhaps such a mother bird may be held for a short time and then sent away in the ceremony for the leper. Yet later commentaries note that this is prohibited because one may not delay the performance of a mitzva, such as the sending of the mother bird, for the benefit of another mitzva (*Yam shel Shlomo*).

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גמ׳ תַּנְיָא דְּבֵי רַבִּי יַעֲקֹב אוֹמֵר: אֵין לְךָ כָּל מִצְוָה וּמִצְוָה שֶׁבַּתּוֹרָה שֶׁמַּתַּן שְׂכָרָהּ בְּצִדָּהּ, שֶׁאֵין תְּחִיַּית הַמֵּתִים תְּלוּיָה בָּהּ. בְּכִבּוּד אָב וָאֵם כְּתִיב ״לְמַעַן יַאֲרִיכֻן יָמֶיךָ וּלְמַעַן יִיטַב לָךְ״, בְּשִׁילּוּחַ הַקֵּן כְּתִיב ״לְמַעַן יִיטַב לָךְ וְהַאֲרַכְתָּ יָמִים״.

GEMARA **The school of Rabbi Ya'akov**[P] **taught that** Rabbi Ya'akov **says: There is not a single mitzva** written **in the Torah whose reward** is stated **alongside it, which is not dependent on** a belief in **the resurrection of the dead,** i.e., the reward is actually bestowed in the World-to-Come, after the resurrection of the dead. How so? **With regard to honoring one's father and mother, it is written: "That your days may be long, and that it may go well with you"** (Deuteronomy 5:16). **With regard to** the **sending** away of the mother bird from **the nest, it is written: "That it may be well with you, and that you may prolong your days"** (Deuteronomy 22:7).

הֲרֵי שֶׁאָמַר לוֹ אָבִיו: עֲלֵה לַבִּירָה וְהָבֵא לִי גּוֹזָלוֹת! וְעָלָה, וְשִׁלַּח אֶת הָאֵם וְלָקַח אֶת הַבָּנִים, וּבַחֲזָרָתוֹ נָפַל וָמֵת, הֵיכָן אֲרִיכוּת יָמָיו שֶׁל זֶה? וְהֵיכָן טוֹבָתוֹ שֶׁל זֶה? אֶלָּא ״לְמַעַן יַאֲרִיכֻן יָמֶיךָ״ – בָּעוֹלָם שֶׁכּוּלּוֹ אָרוֹךְ, ״וּלְמַעַן יִיטַב לָךְ״ – לָעוֹלָם שֶׁכּוּלּוֹ טוֹב.

Despite this, it occurred that **there was** one **whose father said to him: Climb to** the top of **the building and bring me fledglings; and he climbed to** the top of **the building and sent** away **the mother** bird **and took the offspring,** thereby simultaneously fulfilling the mitzva to send away the mother bird from the nest and the mitzva to honor one's parents, **but as he returned he fell and died. Where is the length of days of this one? And where is the goodness** of the days **of this one? Rather,** the verse **"that your days may be long"** is referring **to the world that is entirely long,** and **"that it may be well with you"** means **in the world where all is well.**

וְדִלְמָא לָא הֲוָה הָכִי? רַבִּי יַעֲקֹב מַעֲשֶׂה חֲזָא. וְדִלְמָא מְהַרְהֵר בַּעֲבֵירָה הֲוָה? מַחֲשָׁבָה רָעָה אֵין הַקָּדוֹשׁ בָּרוּךְ הוּא מְצָרְפָהּ לְמַעֲשֶׂה.

The Gemara suggests: **But perhaps this** incident described by Rabbi Ya'akov **never occurred.** It is possible that everyone who performs these mitzvot is rewarded in this world, and the situation described by Rabbi Ya'akov never happened. The Gemara answers: **Rabbi Ya'akov** himself **saw an incident** of this kind. The Gemara suggests: **But perhaps** that man **was contemplating sin** at the time, and he was punished for his thoughts. The Gemara responds: There is a principle that **the Holy One, Blessed be He, does not link a bad thought to an action,** i.e., one is not punished for thoughts alone.

וְדִלְמָא מְהַרְהֵר בַּעֲבוֹדָה זָרָה הֲוָה? דִּכְתִיב ״לְמַעַן תְּפֹשׂ אֶת בֵּית יִשְׂרָאֵל בְּלִבָּם״, וְאָמַר רַב אַחָא בַּר יַעֲקֹב: זוֹ מַחֲשָׁבַת עֲבוֹדָה זָרָה!

The Gemara objects: **But perhaps** the son **was contemplating idol worship** at the time, **as it is written** with regard to idol worship: **"So I may take the house of Israel in their own heart"** (Ezekiel 14:5), **and Rav Aḥa bar Ya'akov says: This** is referring to punishment for the **thought of** performing **idol worship.**

הָכִי קָאָמַר: אִם אִיתָא דְּאִיכָּא שְׂכַר מִצְוֹת בְּהַאי עָלְמָא – תֶּהֱנֵי לֵיהּ וְתָגֵן עֲלֵיהּ דְּלָא לֵיתֵי לִידֵי הִרְהוּר וְלִיתְזַק, אֶלָּא שְׂכַר מִצְוֹת בְּהַאי עָלְמָא לֵיכָּא. וְהָאָמַר רַבִּי אֶלְעָזָר: שְׁלוּחֵי מִצְוָה אֵינָן נִזּוֹקִים! בַּחֲזָרָתָם שָׁאנֵי.

The Gemara responds: **This** is what Rabbi Ya'akov was **saying** after witnessing the incident mentioned above: **If it is so that there is reward for** performance of **mitzvot in this world, it should be effective for** the son **and protect him so that he not come to contemplate** idol worship **and be harmed. Rather,** one must conclude that **there is no reward for** performance of **mitzvot in this world.** The Gemara asks: **But didn't Rabbi Elazar say: Those on the path to perform a mitzva are not** susceptible to **harm?** How is it possible that this individual, who was sent by his father to perform a mitzva, could have died? The Gemara answers: **When they return** it **is different,** as after one has performed the mitzva, one is susceptible to harm.

וְהָאָמַר רַבִּי אֶלְעָזָר: שְׁלוּחֵי מִצְוָה אֵינָן נִזּוֹקִים, לֹא בְּהֲלִיכָתָן וְלֹא בְּחֲזָרָתָן! סוּלָּם רָעוּעַ הֲוָה, וּמָקוֹם דְּקָבוּעַ הֲיָה חָזָק שָׁאנֵי, דִּכְתִיב ״וַיֹּאמֶר שְׁמוּאֵל אֵיךְ אֵלֵךְ וְשָׁמַע שָׁאוּל וַהֲרָגָנִי״.

The Gemara asks: **But didn't Rabbi Elazar say: Those on the path to perform a mitzva are not** susceptible to **harm, neither when they** are **on their way** to perform the mitzva **nor when they are returning** from performing the mitzva? The Gemara answers: In that case, it **was a rickety ladder** on which the son ascended and descended, **and a place where danger is established is different,** and even those on the path to perform a mitzva are susceptible to harm. This is apparent from the incident where the prophet Samuel traveled to anoint David as king in place of Saul, **as it is written: "And Samuel said: How can I go? If Saul hears of it, he will kill me"** (1 Samuel 16:2). Although Samuel was on the path to perform a mitzva, he feared that harm would befall him from established dangers.

PERSONALITIES

Rabbi Ya'akov – רַבִּי יַעֲקֹב: Some commentaries maintain that this Rabbi Ya'akov, who is the grandson of Elisha ben Avuya, is the Rabbi Ya'akov who is cited on topics of aggadic midrash and *halakha* in isolated instances in the Mishna, with no other specific identification other than his first name. Others maintain that he is Rabbi Ya'akov ben Korshai, who lived at the time of Rabban Shimon ben Gamliel II, and who was the teacher of Rabbi Yehuda HaNasi.

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אָמַר רַב יוֹסֵף: אִלְמָלֵא דְּרָשֵׁיהּ אַחֵר לְהַאי קְרָא כְּרַבִּי יַעֲקֹב בַּר בְּרַתֵּיהּ – לָא חֲטָא. מַאי חָזָא? אִיכָּא דְּאָמְרִי: כִּי הַאי מַעֲשֶׂה חָזָא, וְאִיכָּא דְּאָמְרִי: לִישָׁנָא דְּרַבִּי חוּצְפִּית הַמְּתוּרְגְּמָן חָזָא, דַּהֲוָה מוּטָּלֶת בָּאַשְׁפָּה. אָמַר: פֶּה שֶׁהֵפִיק מַרְגָּלִיּוֹת יִלְחוֹךְ עָפָר? וְהוּא לֹא יָדַע ״לְמַעַן יִיטַב לָךְ״ – בָּעוֹלָם שֶׁכּוּלּוֹ טוֹב, ״וּלְמַעַן יַאֲרִיכוּן יָמֶיךָ״ – בָּעוֹלָם שֶׁכּוּלּוֹ אָרוֹךְ.

Rav Yosef said: Had Aḥer,[P] literally Other, the appellation of the former Sage Elisha ben Avuya, **interpreted homiletically this** aforementioned **verse:** "That it may go well with you" (Deuteronomy 5:16), as referring to the World-to-Come, **as** did **Rabbi Ya'akov, the son of his daughter,** he would **not have sinned.** The Gemara asks: **What did** Aḥer **see** that led him to heresy? **Some say** that **he saw an incident like this** one witnessed by Rabbi Ya'akov, **and some say** that **he saw the tongue of Rabbi Ḥutzpit the disseminator,**[P] **which was cast in a garbage dump** after he was executed by the government. Aḥer **said: Will a mouth that produced pearls** of wisdom **lick the dust? But he did not know** that the phrase **"that it may be well with you"** means **in the world where all is well,** and that the phrase **"that your days may be long"** is referring **to the world that is entirely long.**

הדרן עלך שילוח הקן וסליקא לה
מסכת חולין

PERSONALITIES

Aḥer – אַחֵר: Elisha ben Avuya was born in Jerusalem toward the end of the Second Temple period to a family that was one of the most prominent and wealthy in the city. As related in the Jerusalem Talmud, his family was under the sway of foreign cultures and did not maintain deep ties with Judaism. Nevertheless, Elisha received an extensive Jewish education, and his great talents earned him a place among the chief scholars of that time. But even while a member of the yeshiva, Elisha maintained ties with Greek culture in its various manifestations, taking an interest in and reading heretical works. In addition to the story recounted here, the Talmud offers other accounts of how severe emotional traumas, possibly connected to the Hadrianic persecutions, led Elisha to abandon Judaism entirely. Some sources suggest that not only did he transgress the mitzvot, but he even collaborated with the Romans against his Jewish brethren, and many acts of cruelty are ascribed to him. As a result the Sages as early as the time of Rabbi Yehuda HaNasi related to him with hostility. In his own generation, Rabbi Meir was apparently the only one to maintain personal ties with the apostate. He even continued to learn Torah from Elisha, which was controversial at the time. More lasting than the immediate antagonism was the feeling of regret and pain over such a great scholar turning into a heretic, as well as the sense that Aḥer remained miserable even during his rebellion but could not find the courage to repent after having acted so wickedly. It is for this reason that his statements are preserved; a proverb of his can be found in the Mishna (*Avot* 4:20), while *Avot deRabbi Natan* features an entire chapter (24) of his moral sayings. According to the Gemara here, Rabbi Ya'akov was the son of Aḥer's daughter.

Ḥutzpit the disseminator – חוּצְפִּית הַמְּתוּרְגְּמָן: Rabbi Ḥutzpit, one of the Sages of the Mishna (see *Shevi'it* 10:6), was known as Rabban Gamliel's disseminator. In that position he did not merely repeat the Sage's lecture aloud. Rather, he also expanded upon the concise, cryptic statements made by Rabban Gamliel in the course of the lecture. Due to his skill in explaining Rabban Gamliel's lectures, Rabbi Ḥutzpit was called the mouth that produced pearls. Nothing else is known about him, except that he apparently lived to an old age, was killed by the Romans during the times of the decrees of persecution, and is listed among the ten martyrs.

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Summary of **Perek XII**

This chapter, like the previous ones, focused almost exclusively on a specific mitzva. In this case, the chapter focuses on the mitzva of sending away the mother bird from the nest. The mishna taught that this mitzva applies in all places and at all times, but it does not apply to consecrated birds.

The halakhic discussions in this chapter dealt with the details of this mitzva, i.e., to which birds, and under which circumstances, does the mitzva apply. It was taught that this mitzva applies only to birds and not to other animals. Additionally, it applies specifically to birds considered not readily available. Accordingly, only wild birds and some partially domesticated birds are included in the mitzva, while birds that are fully domesticated and kept in one's home are excluded.

It is also taught that the mitzva of sending away the mother bird applies only to kosher birds resting on kosher eggs. Additionally, it was taught that the mother must literally be resting upon the nest, or at least adjacent to it. If the mother leaves the nest, one is no longer obligated in the mitzva.

The mitzva of sending away the mother bird from the nest is not abrogated after sending away the mother a single time. Rather, every time the mother returns to the nest one must send it away. On the other hand, once one has sent away the mother bird, he may follow it and capture it for himself.

If one transgresses the mitzva and takes the mother with the young, although one has certainly violated a prohibition one is not immediately flogged, since it is still possible to fulfill the positive mitzva of sending away the mother bird. If one kills the mother, he is flogged, since the positive mitzva can no longer be fulfilled.

The chapter concludes with an aggadic discussion with regard to the mitzva of sending away the mother bird. On the one hand, this mitzva is significant enough that it cannot be overridden even to use the mother bird for another mitzva. On the other hand, it is a mitzva whose performance is simple, since one is obligated in it only if one happens upon a nest, and one loses nothing in its performance. Nevertheless, the Torah states with regard to this mitzva: "That it may be well for you, and that you may prolong your days." Consequently, it may be derived that the performance of other mitzvot, which demand preparation in advance and may entail significant losses of time or money, certainly brings great reward in the next world to whoever performs them.

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Common **Acronyms**

Since the publication of the first volume of the *Koren Talmud Bavli* we have employed some transliterated acronyms, such as Rambam, to give the translation a more authentic flavor. These acronyms are used throughout this volume where they are well known and where the acronym helps readers easily identify the author in question. The following chart provides the full name of each author or work alongside its common acronym.

Acronym	Full Name
HaAri	Rabbi Yitzḥak Luria
Ba'al HaMaor	Rabbi Zeraḥya HaLevi
Baḥ	*Bayit Ḥadash*
Beur HaGra	Commentary of Rabbi Eliyahu of Vilna on the *Shulḥan Arukh*
Derashot Mahari Mintz	Homilies of Rabbi Yehuda Mintz
Derashot Ra'anaḥ	Homilies of Rabbi Eliyahu ben Ḥayyim
Geranat	Rabbi Naftali Trop
Gilyon Maharsha	Marginalia of Rabbi Shlomo Eiger
Gra	Rabbi Eliyahu of Vilna, the Vilna Gaon
Graḥ	Rabbi Ḥayyim Soloveitchik
Grib	Rabbi Yehuda Bakhrakh
Griz	Rabbi Yitzḥak Ze'ev Soloveitchik
Haggahot HaGra	Comments of Rabbi Eliyahu of Vilna on the Talmud
Haggahot Maharsha	Comments of Rabbi Shmuel Eliezer Eidels
Hassagot HaRa'avad	Comments of Rabbi Avraham ben David on the Rambam's *Mishne Torah*
Ḥida	Rabbi Ḥayyim David Azulai
Ḥiddushei Aggadot LaMaharal	*Ḥiddushei Aggadot* by Rabbi Yehuda Loew of Prague
Ḥiddushei Aggadot LaRashba	*Ḥiddushei Aggadot* by Rabbi Shlomo ben Adderet
Ḥiddushei HaGeranat	*Ḥiddushei* Rabbi Naftali Trop
Ḥiddushei HaGriz	*Ḥiddushei* Rabbi Yitzḥak Ze'ev Soloveitchik
Ḥiddushei HaRim	*Ḥiddushei* Rabbi Yitzḥak Meir of Gur
Ḥiddushei Ri Ḥaver	*Ḥiddushei* Rabbi Yitzḥak Isaac Ḥaver
Kitzur Piskei HaRosh	Abridged Halakhic Rulings of Rabbeinu Asher ben Rabbi Yeḥiel
Mabit	Rabbi Moshe ben Yosef di Trani

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Acronym	Full Name
Maharal	Rabbi Yehuda Loew of Prague
Maharam Alashkar	Rabbi Moshe Alashkar
Maharam Brisk	Rabbi Mordekhai Brisk
Maharam Ḥalawa	Rabbi Moshe Ḥalawa
Maharam Lublin	Rabbi Meir of Lublin
Maharam Mintz	Rabbi Moshe Mintz
Maharam of Rothenburg	Rabbi Meir of Rothenburg
Maharam Padua	Rabbi Meir of Padua
Maharam Schick	Rabbi Moshe Schick
Maharam Schiff	Rabbi Meir Schiff
Maharatz Ḥayyut	Rabbi Tzvi Hirsch Chajes
Mahari Abuhav	Rabbi Yitzḥak Abuhav
Mahari Bassan	Rabbi Yeḥiel Bassan
Mahari Beirav	Rabbi Ya'akov Beirav
Mahari ben Lev	Rabbi Yosef ben Lev
Mahari ben Malkitzedek	Rabbi Yitzḥak ben Malkitzedek
Mahari Berona	Rabbi Yisrael Berona
Mahari Kurkus	Rabbi Yosef Kurkus
Mahari Mintz	Rabbi Yehuda Mintz
Mahari Weil	Rabbi Ya'akov Weil
Mahariḥ	Rabbi Yeḥezkia ben Ya'akov of Magdeburg
Maharik	Rabbi Yosef Colon
Maharikash	Rabbi Ya'akov Castro
Maharil	Rabbi Ya'akov HaLevi Molin
Maharit	Rabbi Yosef di Trani
Maharit Algazi	Rabbi Yom Tov Algazi
Maharsha	Rabbi Shmuel Eliezer Eidels
Maharshal	Rabbi Shlomo Luria
Malbim	Rabbi Meir Leibush ben Yeḥiel Michel Wisser
Netziv	Rabbi Naftali Tzvi Yehuda Berlin
Nimmukei HaGrib	Comments of Rabbi Yehuda Bakhrakh on the Maharsha
Piskei HaRid	Halakhic Rulings of Rabbi Yeshaya di Trani the Elder
Piskei Riaz	Halakhic Rulings of Rabbi Yeshaya di Trani the Younger
Ra'ah	Rabbi Aharon HaLevi
Ra'anaḥ	Rabbi Eliyahu ben Ḥayyim
Ra'avad	Rabbi Avraham ben David
Ra'avan	Rabbi Eliezer ben Natan
Ra'avya	Rabbi Eliezer ben Yoel HaLevi
Rabbi Avraham ben HaRambam	Rabbi Avraham, son of the Rambam

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Acronym	Full Name
Rabbi Shlomo ben Rashbatz	Rabbi Shlomo, son of Rabbi Shimon ben Tzemaḥ Duran
Radak	Rabbi David Kimḥi
Radbaz	Rabbi David ben Zimra
Ralbag	Rabbi Levi ben Gershon
Ramah	Rabbi Meir HaLevi
Rambam	Rabbi Moshe ben Maimon
Ramban	Rabbi Moshe ben Naḥman
Ran	Rabbeinu Nissim ben Reuven of Gerona
Rashash	Rabbi Shmuel Strashun
Rashba	Rabbi Shlomo ben Adderet
Rashbam	Rabbi Shmuel ben Meir
Rashbatz	Rabbi Shimon ben Tzemaḥ Duran
Rashi	Rabbi Shlomo Yitzḥaki
Re'em Horowitz	Rabbi Elazar Moshe Horowitz
Rema	Rabbi Moshe Isserles
Ri HaLavan	Rabbeinu Yitzḥak ben Ya'akov of Prague
Ri Ḥaver	Rabbi Yitzḥak Isaac Ḥaver
Ri Migash	Rabbi Yosef Migash
Riaf	Rabbi Yoshiya Pinto
Riaz	Rabbi Yeshaya di Trani the Younger
Rid	Rabbi Yeshaya di Trani the Elder
Ridvaz	Rabbi Ya'akov David ben Ze'ev Wilovsky
Rif	Rabbi Yitzḥak Alfasi
Rim	Rabbi Yitzḥak Meir of Gur
Ritva	Rabbi Yom Tov ben Avraham Asevilli (of Seville)
Riva	Rabbeinu Yitzḥak ben Asher
Rivam	Rabbi Yitzḥak ben Meir
Rivan	Rabbi Yehuda bar Natan
Rivash	Rabbi Yitzḥak ben Sheshet
Rosh	Rabbeinu Asher ben Rabbi Yeḥiel
Shakh	*Siftei Kohen* by Rabbi Shabtai Cohen Rappaport
Shas	The Six Orders of the Mishna
She'elat Ya'avetz	Responsa of Rabbi Ya'akov Emden
Shela	*Shenei Luḥot HaBerit* by Rabbi Yeshaya HaLevi Horowitz
Siddur Rashi	Siddur compiled by Rashi's students
Sma	*Sefer Meirat Einayim* by Rabbi Yehoshua Falk
Smag	*Sefer Mitzvot Gadol* by Rabbi Moshe of Coucy
Smak	*Sefer Mitzvot Katan* by Rabbi Yitzḥak ben Yosef of Corbeil
Talmid HaRa'ah	A student of Rabbi Aharon HaLevi

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Acronym	Full Name
Talmid HaRashba	A student of Rabbi Shlomo ben Adderet
Tashbetz	Responsa of Rabbi Shimon ben Tzemaḥ Duran
Taz	*Turei Zahav* by Rabbi David HaLevi
Tosefot HaRosh	*Tosefot* of Rabbeinu Asher ben Rabbi Yeḥiel
Tosefot Ri HaLavan	*Tosefot* of Rabbeinu Yitzḥak ben Ya'akov of Prague
Tosefot Rid	*Tosefot* of Rabbi Yeshaya di Trani the Elder
Tur	*Sefer HaTurim* by Rabbi Ya'akov ben Asher
Tzlaḥ	*Tziyyun LeNefesh Ḥayya* by Rabbi Yeḥezkel Landau
Ya'avetz	Rabbi Ya'akov Emden

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Index of **Background**

א

אֲבֵלוּת – Aveilum…263

אָדָם שֶׁחוֹבֵק – A man who hugs…91

אֹהֶל מוֹעֵד – Tent of Meeting…326

אֵיל הַבָּר – Wild ram…19

אִילְפָּס – [*ilpas*] Stewpot…160

אֵימָאוּם – Emmaus…93

אֵין מִיעוּט אַחַר מִיעוּט אֶלָּא לְרַבּוֹת – A restrictive expression following a restrictive expression serves only to amplify…328

אִיסָּר – *Issar*…416

אֵית לֵיהּ וְלָא עָגִיל – It has a protrusion but it is not rounded…98

אַכַּרְכֻּשָׁא וּמַעְיָא וְהַדְרָא דְּכִנְתָא – Rectum, intestines, and spiral colon…198

אַלְיָה – [*alya*] Sheep tail…220

אֵם עַל הַבָּנִים – Mother bird with its chicks…11

אַמָּה – Temple courtyard drain…86

אָמוֹרָא – [*amora*] Disseminator…135

אֲנָסִין – Oppressors…111

אֲנָקָה – *Anaka*…260

אַסְקוּפָּה – Threshold…286

אִסְתֵּירָא – *Asteira*…163

אַקּוֹ – Wild goat…20

ב

בִּגְדֵי כְהוּנָּה – Priestly vestments…221

בּוֹרוֹת שִׁיחִין וּמְעָרוֹת – Pits, ditches, and caves…397

בֵּי כְנִישְׁתָּא דְּתוּתֵי אַפְּתָא – The synagogue under the upper room…98

בֵּי מְחוֹזָא – Bei Meḥoza…112

בֵּיבְרֵי – [*beivari*] Beavers…292

בִּיכּוּרִים – First fruits…249

בֵּיעֵי – Testicles…103

בֵּיצָה – Egg-bulk…173

בֵּית הַבְּלִיעָה – Throat…136

בֶּן נֹחַ מִזְּהָרָה – A descendant of Noah is prohibited…143

בָּצָל – Onion…124

בְּרִירָה – Retroactive clarification…362

ג

גּוֹלֵל וְדוֹפֵק – [*golel*] A grave cover and a grave wall [*dofek*]…287

גּוֹמְמוֹ עִם הַשּׁוּפִי – One cuts out the nerve and fat level with the flesh…99

גְּזֵירָה לְגְזֵירָה – Decree to prevent violation of a decree…56

גִּיד הַנָּשֶׁה – Sciatic nerve…81

גְּלִימָא – Cloak…334

גַּנָּב וְגַזְלָן – Thief and robber…412

גֶּפֶן שֶׁל זָהָב – Golden vine…87

גְּרוֹמִיתָא וְעִירְתָא – Small bone…150

גְּרִיסִין – Split beans…131

ד

דַּיּוֹן מִינָּהּ וּמִינָּהּ – Infer from it and again from it…250

דְּיוּקְנוֹ שֶׁל מַעְלָה – The image of above…94

דְּלוּעִין – Gourds…158

דְּלַעַת – Gourd…294

דַּם הַלֵּב – The blood of the heart…182

דָּמָא – Blood…103

דַּרְכֵי שָׁלוֹם – Ways of peace…414

ה

הוּצָל – Huzal…172

הֶכְשֵׁר – Rendering susceptible to impurity…235

הַלֵּךְ אַחַר הָרוֹב – Follow the majority…114

הַמּוֹצִיא מֵחֲבֵירוֹ עָלָיו הָרְאָיָה – The burden of proof rests upon the claimant…344

ז

זָב – *Zav*…69

זוּגִיתָא חִיוַרְתָּא – White glass…49

זְמוֹרוֹת אֲשְׁכּוֹלוֹת עָלִין קְנוֹקָנוֹת – Branches, clusters, leaves, tendrils…97

זָמֵר – Wild sheep…20

זִקְנֵי דָרוֹם – Elders of the south…333

זְרוֹעַ וְלֶחָיַיִם וְקֵבָה – The foreleg, the jaw, and the maw…315

זְרוֹעַ, שׁוֹק, לֶחִי – Foreleg, thigh, jaw…349

זָרִיק דָּם – Sprinkled the blood…22

זַרְנִיךְ – [*zarnikh*] Arsenic…72

ח

חֲגָבִים – [*ḥagavim*] Grasshoppers…157

חוּטִין שֶׁבַּלֶּחִי – Veins that are contained in the jaw…335

חוּטִין שֶׁבָּעוֹקֶץ – Sinews [*ḥutin*] that are in the tailbone [*oketz*]…102

חוֹמֶט – *Ḥomet*…260

חוֹמֶר – *Ḥomer*…98

חוֹסֶם – Muzzles…209

חָזֶה וְשׁוֹק – Breast and thigh…315

חִטָּה...וּשְׂעוֹרָה בְּקִלְיפָתָהּ – Wheat…and barley in its shell…228

חֵלֶב שֶׁהַבָּשָׂר חוֹפֶה אוֹתוֹ – Fat that is covered by the flesh…101

חַלָּה – *Ḥalla*…159

חָלוּק – [*ḥaluk*] Shirt…176

חַמֵּי טְבֶרְיָא – The hot springs of Tiberias…168

חַמְרָא מְזִיגָא – Diluted wine…108

חָמֵשׁ סְלָעִים – Five *sela*…329

חֵמֶת – *Ḥemet*…173

חֵמֶת חֲדָשָׁה – New leather flask…382

חָצְבָא – [*ḥatzva*] Pitcher…167

חַרְדָּל – Mustard…334

חַרְטוֹם תַּחְתּוֹן וְעֶלְיוֹן – Lower and upper mandible…253

חַרְסִית – Crushed potsherd…70

ט

טוּמְאַת מִדְרָס – Ritual impurity imparted by treading…270

טְחָלִי – Spleen…102

טַטְלְפּוּשׁ – Tatlefush…186

טֶפַח – Handbreadth…266

י

יֵאוּשׁ – Despair…343

יוֹנֵי הַרְדְּסִיאוֹת – Domesticated pigeons [*yonei hardisei'ot*]…391

יוֹנֵי שׁוֹבָךְ – Pigeons of a dovecote…398

יֵין נֶסֶךְ – Wine used for a libation to idolatry…186

כ

כְּבָשִׂים...עִזִּים – Sheep…goats…375

כְּדֵי – [*kedi*] Unattributed…24

כּוֹי – *Koy*…9, 329

כּוֹלְיָתָא – Kidneys…102

כּוֹר – *Kor*…87

כּוּתָח – *Kutaḥ*…191

כֹּחַ – *Ko'aḥ*…260

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Index of **Background**

כְּחוֹל – Stibium [*kehol*]…72

כִּיפָּה שֶׁל צֶמֶר...וְעָלֶיהָ צִיץ – Cap of wool…and the frontplate was placed upon it…383

כַּכּוֹתֶבֶת – Large date-bulk [*kakotevet*]…245

כִּלְאַיִם – Diverse kinds…33

כִּלְאַיִם – Hybrid animal…329

כִּלְאַיִם – Offspring of diverse kinds of animals…15

כִּלְאַיִם הַבָּא מִן הָעֵז וּמִן הָרָחֵל – Hybrid that results from a goat and a ewe…329

כַּלְכָּלָה דְּפֵירֵי – A basket of fruit…169

כַּמְכָּא – *Kamka*…194

כְּנִשְׁתָּא דְּמָעוֹן – Synagogue of the town Maon…122

כָּסָא דְּפוּשְׁרִין – Cup of lukewarm water…48

כְּסָלִים – Loins…101

כַּף – Spoon…119

כְּפַר עִיכּוֹם – Kefar Ikom…263

כַּרְכֶּשֶׁא – Intestine…117

כָּרֵת – *Karet*…7, 227

כְּתוּבָּה – Marriage contract…322

כְּתַנָּאֵי – Subject to a dispute between *tanna'im*…120

ל

לֹא רְאִי זֶה כִּרְאִי זֶה וְלֹא רְאִי זֶה כִּרְאִי זֶה – The aspect of this case is not like the aspect of that case and the aspect of that case is not like the aspect of this case…206

לָאו בְּפֵירוּשׁ אִתְּמַר אֶלָּא מִכְּלָלָא אִתְּמַר – It was not stated explicitly, rather it was stated based on an inference…114

לָאו הַבָּא מִכְּלַל עֲשֵׂה – Prohibition that stems from a positive mitzva…23

לֶגִין – Jug…109

לְהוֹדִיעֲךָ כֹּחוֹ – To convey to you the far-reaching nature of the opinion…406

לְטָאָה – *Leta'a*…260

לִיגְיוֹן – Legion…265

לֶפֶת – Turnip…121

לֶקֶט – Gleanings…319

לֶתֶךְ – Half-*ḥomer* [*letekh*]…98

מ

מְגוּפָּה – Lid…70

מְגוּפַּת חָבִית – Stopper of a barrel…173

מְגִלַּת תַּעֲנִית – *Megillat Ta'anit*…309

מִדַּם הַפָּר וּמִדַּם הַשָּׂעִיר – Of the blood of the bull and of the blood of the goat…130

מוֹפֵת הַדּוֹר – Wonder [*mofet*] of the generation…151

מִיל – *Mil*…264, 399

מֶלַח סְדוֹמִית – Sodomite salt…165

מָנֶה – One hundred dinars [*maneh*]…357

מַעְשַׂר בְּהֵמָה – Animal tithe…205

מַעְשַׂר עָנִי – Poor man's tithe…319

מַעֲשֵׂר רִאשׁוֹן – First tithe…320

מִפְרָקְתָּה שֶׁל בְּהֵמָה – Neck of an animal…199

מַרְגִּיל – Flaying from the legs…266

מַרְטֶקָא – Nuchal ligament [*marteka*]…252

מַרְקוּלִיס – Markulis…338

מֵת – Corpse…69

נ

נִבְלַת עוֹף טָהוֹר – Carcass of a kosher bird…246

נָהַר פְּקוֹד – Nehar Pekod…172

נוֹתָר – Leftover [*notar*]…204

נָזִיר – Nazirite…33

נָחוֹתִי – Descended…141

נֶרֶשׁ, נְהַר פְּקוֹדָאָה, פּוּמְבְּדִיתָא – Neresh, Nehar Pekod, and Pumbedita…292

נָשִׂיא שֶׁבְּאֶרֶץ יִשְׂרָאֵל – The *Nasi* who is in Eretz Yisrael…95

נְשִׂיאוּת כַּפַּיִם – Lifting hands…336

נִשְׂרְפוּ חִטָּיִךְ בָּעֲלִיָּה – Your wheat was burned in the upper story of my house…38

ס

סְאָה – *Se'a*…189

סוֹמְכִין – Place their hands…51

סוּרְיָא – Syria…369

סִיכְרָא – Sikhra…112

סִילְקָא – Chard…193

סִילְתָּא – Basket…115

סַנְדָּל – Sandal…109, 270

ע

עֶבֶד כְּנַעֲנִי – Canaanite slave…327

עֶגְלָה עֲרוּפָה – Heifer whose neck was to have been broken…26

עַד הַפֶּרֶק – Until the joint…170

עֲדָשִׁים – Lentils…131

עוֹלֹלוֹת – *Olelot*…323

עוֹלָשִׁין – Endives…298

עוֹר בֵּית הַפָּרָסוֹת – Hide of the hooves…263

עוֹרְבִים – Ravens…346

עִזֵּי דָּבְאָלָא – Forest goats…19

עֲטַלֵּפִים – Bats…346

עִיר הַנִּדַּחַת – Idolatrous city…74

עָצִיץ – Pot [*atzitz*]…214

עֲרָכִין – Valuations…396

עָרְלָה – *Orla*…211

פ

פֵּאָה – *Pe'a*…319

פִּגּוּל – *Piggul*…204

פּוּם נַהֲרָא – Pum Nahara…117

פֶּטֶר חֲמוֹר – Firstborn donkey…341

פַּכִּין קְטַנִּים – Small pitchers…92

פִּלְפְּלִין – Pepper…124

פִּסְחָא זְעֵירָא – Minor Passover…309

פַּפּוּנָאֵי – Residents of Pappunya…399

פְּקָעִיּוֹת שֶׁל שְׁתִי – Balls of a warp…382

פִּרְדָּה – Female mule…13

פֶּרֶט – *Peret*…323

פָּרַת הַחַטָּאת – Red heifer of purification…26

פַּשְׁרוֹנְיָא – Pashronya…194

צ

צְלוּלְתָּא דִּדְמָא – Blood plasma…67

ק

קָדְשֵׁי בֶדֶק הַבַּיִת – Sheep consecrated to the treasury for Temple maintenance…358

קוּלִית – Femur…238

קוּפָּה – Basket [*kuppa*]…173

קוֹרֵא – Pheasant [*korei*]…391

קִטְנִית – Legumes…158

קִישׁוּת – Cucumber…193, 299

קַל וָחוֹמֶר – *A fortiori* inference…145

קָלִיבּוּסְתָּא – Coccygeal bone…101

קְלָנִיתָא – *Kelanita*…145

קָם לֵיהּ בְּדְרַבָּה מִינַּיהּ – He receives only the greater punishment…27

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Index of **Background**

קְנוֹקָנוֹת – Tendril-like nerve fibers…100

קַנֶּיָא בְּקוֹפֵיהּ – The windpipe with all the parts attached to it…188

ר

רֵאָיוֹן – Burnt offering of appearance…380

רָאשֵׁי לְפָתוֹת – Turnip heads…133

רֹאשִׁית הַגֵּז – First sheared wool…317

רַב בִּקְעָה מָצָא וְגָדַר בָּהּ גָּדֵר – Rav found an unguarded valley and fenced it in…185

רַב תַּנָּא הוּא – Rav has the status of a *tanna*…264

רְבִיעִית – Quarter-*log*…172

רַבָּנָא – Rabbana…96

רֵישׁ גָּלוּתָא – Exilarch [*reish galuta*]…95

רֵישׁ סִדְרָא – Head of the yeshiva [*reish sidra*]…381

ש

שְׁבִיעִית – Sabbatical Year…249

שְׁדֵרָה – Stem…241

שׁוֹר הַבָּר…תּוֹרְבָּלָא – Wild ox…forest ox…20

שׁוֹר הַנִּסְקָל – Ox that was to have been stoned…26

שׁוֹר שֶׁל פִּטָּם – Fattened bull…113

שִׁיבּוּטָא – *Shibuta*…185

שִׁיבְתָּא – Shivta…175

שִׁכְחָה – Forgotten sheaves…319

שְׁלָמִים – Peace offering…86

שְׁנֵי גִידִין – Two nerves…89

שְׁנֵי כְתוּבִין הַבָּאִים כְּאֶחָד – Two verses that come as one…201

שַׂק – Sack…173

שַׂקָּא דְּדִינָרֵי – Sack of dinars…348

שֶׁרֶץ – Creeping animal…69

ת

תְּאוֹ – Aurochs [*te'o*]…20

תְּיָישִׁים – Male goats [*teyashim*]…317

תְּכֵלֶת דּוֹמָה לְיָם – Sky-blue dye is similar to the sea in its color…73

תְּמוּרָה – Substitute…316

תְּנוּפוֹת – Wavings…318

תַּנּוּר – Oven…271

תָּסִיל – *Tasil*…405

תַּפּוּחַ – Circular mound of ashes [*tappuaḥ*]…86

תַּרְבָּא דְּרִתּוּתֵי מָתְנֵי – Fat that is under the loins…101

תַּרְוָד – Ladle [*tarvad*]…283

תְּרוּמָה – *Teruma*…170

תְּרוּמַת הַדֶּשֶׁן – Removal of the ashes…221

תְּרוּמַת מַעֲשֵׂר – *Teruma* of the tithe…321

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Index of **Language**

א

אַגַף – Wing [*agaf*]…413

אוּנָךְ – Your ear [*unakh*]…333

אוּשְׁפִּיזִיכְנֵיהּ – Host [*ushpizikhnei*]…332

אִיזְמֵל – Scalpel [*izmel*]…270

אִיטְלִיז – Meat market [*itliz*]…93, 339

אִילְפַּס – Stewpot [*ilpas*]…122

אֵימוּרִים – Portions [*eimurim*]…219

אַכְסָנַאִין – Guests [*akhsena'in*]…175

אַנְפָּקָא – *Anpaka*…108

אַנַפָּרוֹת – Without reason [*anparot*]…321

אָסִיתָא – Mortar [*asita*]…165

אַפְּטוֹריקִי – Aptoriki…23

אַפַרְכֶּסֶת – Funnel [*afarkeset*]…73

ב

בּוּכְנָא – Pestle [*bukhna*]…165

בּוּרְכָא – Absurdity [*burkha*]…71

בֵּי גַּזָּא – Treasury [*bei gazza*]…394

בַּיְיתוֹס – Baitos…176

בֵּרִיבִּי – Distinguished One [*Beribbi*]…378

ג

גּוּזְמָא – Exaggeration [*guzma*]…87

גִּזְבַּר – Treasurer [*gizbar*]…395

גִּיסְטְרָא – Shard [*gistera*]…273

גְּלַלְנִיתָא – Coarse [*gelalnita*]…198

ד

דּוֹרְשֵׁי חֲמוּרוֹת – Interpreters of Torah symbolism [*dorshei ḥamurot*]…350

דְּיוֹקָן – Image [*deyokan*]…94

דְּמַאי – Doubtfully tithed produce [*demai*]…321

ה

הַוַאי – Exaggerated [*havai*]…87

הַצָּעָה שֶׁל מִשְׁנָה – The presentation of this teaching [*hatza'a shel mishna*]…140

ז

זַרְנִיךְ – Arsenic [*zarnikh*]…72

ח

חֶבֶר עִיר – Crowd of people [*ḥever ir*]…109

ט

טַיָּסָא – Peacock [*tayyasa*]…215

טֶפַח – Handbreadth [*tefaḥ*]…88

י

יְסַרְהֵב – Importune [*yesarhev*]…108

כ

כּוֹרָא – *Kor*…165

כְּרִי – Pile [*keri*]…380

ל

לָגִין – Jug [*lagin*]…109

לִיטְרָא – *Litra*…47, 339

לְפָסוֹ – For his stewpot [*lefaso*]…47

מ

מַבְרָא – Ferry [*mavra*]…108

מְטוּנָךְ – From your burden [*mitunakh*]…328

מַכַּת מַרְדּוּת – Lashes for rebelliousness [*makkat mardut*]…414

מְלַאי – Awn [*melai*]…243

מַפָּה – Cloth [*mappa*]…173

מַקּוּלִין – Butcher shops [*makkulin*]…98

מָרֵי דִּיכִי – Master of this [*mari dikhi*]…86

נ

נִירִים...נִימָה – Strands [*nirim*]…strand [*nima*]…88

ס

סוֹלֶדֶת – Recoil [*soledet*]…164

סוּמָכוֹס – Sumakhos…31

סוֹפֵג – Incurs [*sofeg*]…7, 119

סָלָמַנְדְּרָא – Salamander [*salamandera*]…291

ע

עִזֵּי דְּבָאלָא...תּוּרְבָּלָא – Forest goats [*izei devala*]… forest ox [*turbala*]…20

עָצִיץ – Pot [*atzitz*]…214

פ

פּוּרְצָנֵי – Grape seeds [*purtzenei*]…186

פִּילֵי – Cracks [*pilei*]…194

פִּינְכָא – Bowl [*pinka*]…191

פַּקְתָא דַּעֲרָבוֹת – Valley of Aravot [*pakta da'aravot*]…171

פַּרְדֵּס – Orchard [*pardes*]…391

פִּרְחֵי כְהוּנָּה – Young priests [*pirḥei khehunna*]…96

פְּרַס – Half [*peras*]…357

פַּרְסָא – Parasang [*parsa*]…93

פַּרְסְתְּקֵי – Nets [*perastekei*]…414

צ

צוּרְבָּא מֵרַבָּנָן – Torah scholar [*tzurva merabbanan*]…337

צְיָיץ – Boiled [*tzeyatz*]…48

צְנוּעִים – Modest ones [*tzenu'im*]…336

צְעָא – Earthenware bowl [*tze'a*]…192

ק

קוּבְיוּסְטוּס – Gambler [*kuveyustus*]…94

קוֹרְטָא – Pinch [*korta*]…165

קִיפָּה – Deposits [*kifa*]…124

קְנוֹקָנוֹת – Thin tendril-like nerve fibers [*kenokanot*]…100

קַפֵּילָא – Cook [*kapeila*]…122

קַפְלוֹט – Leek [*kaflot*]…124

קַרְקֶפָל – Scalp [*karkefal*]…265

ר

רִיסְפַּק – Wagon [*rispak*]…14

רִישְׁבָּא – Bird hunter [*rishba*]…215

ש

שׁוּפִי – Flesh [*shufi*]…99

שֵׁם – Reason [*shem*]…35

שְׁתִי וָעֵרֶב – Lengthwise and widthwise [*sheti va'erev*]…184

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Index of **Personalities**

א

אַבָּא אֲרִיכָא – Abba the tall…381

אֲבִי שְׁמוּאֵל – Shmuel's father…163

אַחֵר – Aḥer…418

ח

חוּצְפִּית הַמְתוּרְגְּמָן – Ḥutzpit the disseminator…418

י

יְהוּדָה בֶּן נְקוֹסָא – Yehuda ben Nekosa…237

יַלְתָּא – Yalta…184

ס

סוּמָכוֹס – Sumakhos…31

ר

רַב – Rav…117

רַב כָּהֲנָא – Rav Kahana…328

רַב מָרְדְּכַי – Rav Mordekhai…212

רַב מָרִי בְּרֵיהּ דְּבַת שְׁמוּאֵל – Rav Mari son of the daughter of Shmuel…196

רַב נַחְמָן – Rav Naḥman…275

רַב נַחְמָן מִנְּהַרְדְּעָא – Rav Naḥman of Neharde'a…117

רַב שֶׁמֶן בַּר אַבָּא – Rav Shemen bar Abba…104

רַבָּה בַּר רַב הוּנָא – Rabba bar Rav Huna…277

רַבִּי אַבָּא בַּר מֶמֶל – Rabbi Abba bar Memel…304

רַבִּי אֶלְעָזָר הַמּוֹדָעִי – Rabbi Elazar HaModa'i…96

רַבִּי אֶלְעָזָר הַקַּפָּר – Rabbi Elazar HaKappar…50

רַבִּי בִּירָיִם – Rabbi Biryam…127

רַבִּי חִיָּיא וּבָנָיו – Rabbi Ḥiyya and his sons…58

רַבִּי חֲנִינָא בֶּן דּוֹסָא – Rabbi Ḥanina ben Dosa…58

רַבִּי יַעֲקֹב – Rabbi Ya'akov…417

רַבִּי יִשְׁמָעֵאל – Rabbi Yishmael…265

רַבִּי צָדוֹק – Rabbi Tzadok…173

רַבִּי שִׁמְעוֹן הַסְּגָן – Rabbi Shimon the deputy High Priest…88

רָבִין – Ravin…141

רָבִין תָּכְלָא – Bereaved Ravin…186

רַבָּנָא עוּקְבָא וְרַבָּנָא נְחֶמְיָה – Rabbana Ukva and Rabbana Neḥemya…96

ש

שְׁמוּאֵל – Shmuel…108

שִׁמְעוֹן בֶּן שָׁטָח – Shimon ben Shataḥ…241

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